

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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MATTHEW RALSTON,	:	
Plaintiff,	:	CIVIL ACTION
v.	:	
	:	
MITCHELL GARABEDIAN, ESQUIRE, et al,	:	
	:	NO. 2:19-cv-01539
Defendants.	:	

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1                   IN THE UNITED STATES DISTRICT COURT

2                   FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3 -----

4 JOHN DOE,

5

6                                   Plaintiff,

7                   -vs-                                   Case No. 2:19-CV-01539

8

9                   MITCHELL GARABEDIAN, ESQ., LAW

10                  OFFICES OF MITCHELL GARABEDIAN

11                  and KURTIS N. POULOS,

12 -----

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15                  Videoconferencing Examination of KURTIS POULOS,

16

17                  taken at the instance of the Plaintiff, under and

18

19                  pursuant to Section 804.05 of the Wisconsin Statutes,

20

21                  before ALI KORNBURGER, a Notary Public in and for the

22

23                  State of Wisconsin, on April 22, 2021, commencing at

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25                  8:03 a.m. and concluding at 10:51 a.m.

Kurtis Poulos

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A P P E A R A N C E S

THE BEASLEY FIRM, LLC, by  
MR. LANE R. JUBB, ESQ.  
1125 Walnut Street,  
Philadelphia, Pennsylvania 19107,  
appeared via Zoom on behalf of the Plaintiff.  
  
SWARTZ CAMPBELL, LLC, by  
MS. CANDIDUS K. DOUGHERTY, ESQ.  
1650 Market Street, 38th Street,  
Philadelphia, Pennsylvania 19103,  
appeared via Zoom on behalf of the Defendants.

A L S O P R E S E N T

Mr. Jon Hansen, Videographer

\* \* \* \* \*

Kurtis Poulos

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Disposition Of Original Exhibits:

Attached To Original Transcript

\* \* \* \* \*

~~Kurtis Poulos~~

1 TRANSCRIPT OF PROCEEDINGS

2 THE VIDEOGRAPHER: Good morning. We  
3 are now on the record. My name is Jon Hansen,  
4 CLVS. I'm the videographer today with Golkow  
5 Litigation Services. Today's date is April 22,  
6 2021. The time is 8:03. This remote video  
7 deposition is being held in the matter of John  
8 Doe versus Mitchell Garabedian, et al., United  
9 States District Court for the Eastern District  
10 of Pennsylvania, case No. 19-CV-01539. The  
11 deponent today is Kurtis Poulos.

12 All parties to this deposition are  
13 appearing remotely and have agreed to the  
14 witness being sworn in remotely. Due to the  
15 nature of remote reporting, please pause  
16 briefly before speaking to ensure all parties  
17 are heard. At this time if counsel could state  
18 their appearance and their location after which  
19 our reporter will swear in the witness and we  
20 can proceed.

21 MR. JUBB: Good morning, Lane Jubb,  
22 plaintiff.

23 MS. DOUGHERTY: Candidus Dougherty  
24 for Mitchell Garabedian. I'm in Philadelphia,  
25 Pennsylvania.

Kurtis Poulos

1 KURTIS POULOS, called as a witness  
2 herein, having been first duly sworn on oath,  
3 was examined and testified as follows:

4 EXAMINATION

5 BY MR. JUBB:

6 Q Mr. Poulos, good morning. We have been through  
7 this a couple times before, but I will still  
8 repeat the instructions just so there's no  
9 confusion. We're here because the court  
10 ordered you to come back for a deposition to  
11 discuss your communications with  
12 Mr. Garabedian. I don't intend to go past  
13 that, so if you at any point in time think I  
14 am, you just have to speak up, okay?

15 I don't intend to be long. I have no  
16 desire to stay and talk with you for any more  
17 time than reasonably necessary. So I think we  
18 are going to be out of here pretty quickly. I  
19 am going to bop around just a little bit  
20 because it is limited in nature. So I can't  
21 pass any sort of real chronology, if you will.  
22 So forgive me if I am bopping around a little  
23 bit between -- between topics.

24 I want to make sure you understand my  
25 question. So just as all the other

1464a

1 depositions, if you don't understand my  
2 question, if you want me to repeat it, you want  
3 me to rephrase it, whatever you need to answer  
4 that question, you tell me. I'm happy to do  
5 that, okay? If you answer the question, I'm  
6 going to assume you understood it, fair enough?

7 All right. I already can't hear you. Would  
8 you mind speaking up?

9 A Fair enough.

10 Q Okay. Did you get a chance to look at the  
11 court's order yourself?

12 A No, I have not.

13 Q All right. So I sent that to you, though,  
14 right?

15 A Okay.

16 Q But you didn't look at it?

17 A I don't know what court order you're referring  
18 to.

19 Q I want to make sure you're aware of it, so I'm  
20 going to pull it up for you so you can see it  
21 and you can be well aware of the court order  
22 for which you are here today, okay? So bear  
23 with me here. Mr. Poulos, can you see that?

24 A I don't see anything. Now I see it.

25 Q Okay. Have you seen this order before?

1 MS. DOUGHERTY: And just for the  
2 record, this is March 18, 2021, document 119.

3 MR. JUBB: Thank you. And I'm going  
4 to mark this as an exhibit as well.

5 MS. DOUGHERTY: Okay.

6 MR. JUBB: I believe we left off at  
7 your last deposition of Mr. Poulos -- Candy,  
8 maybe your notes -- if you have it handy, that  
9 might be great as well. I think we left off --  
10 I'm not sure who the court reporter you used  
11 was. It looks like D4, that was your exhibit.  
12 I don't think I used any that time. I think --

13 MS. DOUGHERTY: Yeah. Lane, my  
14 recollection is that you didn't mark them as  
15 new numbers. You used the numbers that you  
16 labeled the documents with when you produced  
17 them and identified them on the record that  
18 way. And I'm just looking at the index. I  
19 marked as, you know, D1, 2, 3, 4 because it was  
20 easier, but -- so I think you could pick pretty  
21 much -- --

22 MR. JUBB: That's right.

23 MS. DOUGHERTY: -- any number, P6 and  
24 P16 and P100, it looks like.

25 MR. JUBB: Thank you. So let me go



1 back to that order. Okay. For the record,  
2 this is a court order dated March 18, 2021,  
3 document 119 on the EZ app, and I'm going to  
4 mark this as Poulos 1.

5 (Exhibit No. 1 was marked.)

6 BY MR. JUBB:

7 Q So, Mr. Poulos, take a look at this. I sent  
8 this to you before. Did you bother to read it?

9 MS. DOUGHERTY: Objection.

10 BY MR. JUBB:

11 Q You can answer.

12 A Again, I have been inundated. I'm not  
13 represented by anybody other than me.  
14 Obviously, you have an entire legal team. I  
15 have spent ten hours in deposition with you. I  
16 will provide whatever information that just  
17 lets you know that your client abused me.

18 Q Why don't you take a look at your screen and  
19 see if you saw that order before. Did you see  
20 that order before?

21 A No.

22 Q Okay.

23 A I never received it by mail.

24 Q Are you saying that you don't know how to  
25 access the emails that I have been sending you?

1 A I haven't received any except for the one that  
2 I received yesterday demanding that I be on  
3 this deposition -- or two days ago. So I don't  
4 know if you don't have my correct address, but  
5 all filing should be in paper form so I have a  
6 hard copy. I never received that via mail.

7 Q I see. So what you're saying is you've never  
8 seen this court order before; is that right?

9 A Not to my knowledge, no.

10 Q Okay. Do you open the attachments to the  
11 emails when they are sent to you, sir?

12 A Yes, I do.

13 Q Okay. And considering that you're a defendant  
14 in this lawsuit, I imagine if I were to send  
15 you something and I say, "Please see the  
16 attached," you would probably want to look at  
17 it, right?

18 MS. DOUGHERTY: Objection.

19 THE WITNESS: Asked and answered.

20 BY MR. JUBB:

21 Q I see. All right. Well, why don't we read  
22 this now, however long it takes you, single  
23 page. But I want to make sure you're familiar  
24 with it, especially Item 3 where it says you're  
25 going to appear and you're going to discuss

1           your discussions and communications with  
2           Defendant Garabedian, okay? And I'm going to  
3           do my best to keep it to that. Because, like I  
4           said, I have no intention of being here any  
5           longer than I need to.

6    A     I have no intention of being here than another  
7           49 minutes.

8    Q     Well, that's interesting because the court  
9           order doesn't have any limitations. So we're  
10          going to chat a little bit about your  
11          discussions.

12   A     I have a schedule. I have a meeting.

13   Q     This is a court order, so we can handle that.  
14          I hope that you are wise enough to just answer  
15          these questions as opposed --

16   A     Then start asking the questions.

17   Q     All right. So did you tell Mr. Garabedian that  
18          the perps were Tom Ruth and Mr. Ralston?

19   A     Thomas Ruth never touched me.

20   Q     Did you tell Mr. Garabedian that the  
21          perpetrators for your alleged sexual abuse were  
22          Mr. Ruth and Mr. Ralston?

23   A     Asked and answered. I just told you I had no  
24          physical contact with Mr. Ruth.

25   Q     That doesn't mean you didn't tell

1 Mr. Garabedian that. So just listen to my  
2 question. Did you tell Mr. Garabedian that the  
3 perpetrators were Mr. Ruth and Mr. Ralston?

4 A Asked and answered. He was not a perpetrator.  
5 Did I hear --

6 Q Do you understand the difference between what  
7 you tell someone one time versus what you're  
8 saying another time? I'm asking you what you  
9 told Mr. Garabedian.

10 A And I just told you, I heard of allegations  
11 against Mr. Ruth. That was it.

12 Q My question is yes or no. If that's the case,  
13 then listen to this question very specifically.  
14 Did you tell Mr. Garabedian that you were in  
15 any way sexually abused or that the  
16 perpetrators of your alleged sexual abuse were  
17 Tom Ruth and Mr. Ralston?

18 A I specifically said Mr. Ralston, not Thomas  
19 Ruth.

20 Q Okay. So if Mr. Garabedian was told by you  
21 that you were also sexually abused by Mr. Ruth,  
22 that would not be correct; is that fair?

23 MS. DOUGHERTY: Objection.

24 BY MR. JUBB:

25 Q Mr. Poulos?

1 A I'm not answering that question, so you can  
2 just move on.

3 Q Great. Did Mr. Ruth in any way sexually abuse  
4 you?

5 A Never.

6 Q And did you make that clear to Mr. Garabedian?

7 A I believe so.

8 Q You never gave him any impression that there  
9 was two perpetrators of sexual abuse, correct?

10 MS. DOUGHERTY: Objection.

11 THE WITNESS: No.

12 BY MR. JUBB:

13 Q Okay. When you had a conversation with  
14 Mr. Garabedian, did you tell him that you had  
15 actually contacted an attorney several years  
16 prior about your claims of sexual abuse?

17 A I believe so.

18 Q And did he ask you who was that attorney?

19 A He may have.

20 Q What did you tell him?

21 A That I don't recall his name.

22 Q Did you tell him why the attorney rejected you?

23 A Because the statute of limitations had run out.

24 All I was looking for was recognition of the  
25 situation and my tuition back, nothing more.

1 Q Did Mr. Garabedian tell you that he could get  
2 you somewhere between 100,000 and \$500,000 even  
3 though the statute of limitations had blown on  
4 your case?

5 MS. DOUGHERTY: Objection.

6 THE WITNESS: I don't recall the  
7 specific number, no.

8 BY MR. JUBB:

9 Q Did he tell you that -- what a statute of  
10 limitations meant?

11 A I understood what a statute of limitation was  
12 before speaking with Mitchell Garabedian.

13 Q And what was your understanding of that?

14 A My understanding of it is that your client, who  
15 abused me over 25 years ago, can't be  
16 prosecuted by the law, and that this could only  
17 be a civil matter and not a criminal matter.

18 Q And when you told Mr. -- that's what you  
19 thought the statute of limitations was for your  
20 alleged claims against Mr. Ralston; is that  
21 right?

22 A Correct. And, again, this was never --  
23 correct.

24 Q Okay. So with that being your understanding of  
25 statute of limitations as it pertained to a

1 criminal matter, did he tell you the statute of  
2 limitations for any sort of civil case was also  
3 blown?

4 MS. DOUGHERTY: Objection.

5 BY MR. JUBB:

6 Q You're shaking your head no?

7 A Not to my recollection.

8 Q In other words, at no point in time from your  
9 recollection did Mr. Garabedian tell you that  
10 any civil case against The Hill School or  
11 Mr. Ralston is actually completely blown by the  
12 statute of limitations civilly, correct?

13 MS. DOUGHERTY: Objection.

14 THE WITNESS: Asked and answered.

15 BY MR. JUBB:

16 Q I need to make clear what I'm asking because I  
17 think there's some confusion. It's not asked  
18 and answered. Am I correct, sir, that as far  
19 as you can recall at no point in time did  
20 Mitchell Garabedian tell you that the statute  
21 of limitations on any potential civil claim  
22 against The Hill School or Mr. Ralston for  
23 whatever you're saying occurred had already  
24 expired?

25 A Not to my recollection.

1 Q Okay. What is your understanding today as  
2 opposed to when you spoke with -- strike that.

3 Where are you right now, by the way?

4 A I'm in my living room.

5 Q Okay. Is there anybody with you?

6 A My dog.

7 Q Is there any human with you?

8 A No, I live alone. You know that.

9 Q Well, last time your mom was with you,  
10 remember? So it's okay for me to ask those  
11 questions at first, okay? So moving on. Did  
12 Mr. Garabedian ask you about any of your prior  
13 criminal conduct?

14 A Possibly, but, again, it's not relevant to this  
15 case.

16 Q When he asked you about your criminal conduct,  
17 were you trying to be honest with him?

18 A I've never lied to him nor you nor the court.

19 Q Okay. Well, my question was, when he asked you  
20 about your criminal conduct, were you truthful  
21 to him?

22 MS. DOUGHERTY: Objection.

23 THE WITNESS: I just told you, yes, I  
24 was truthful. I never lied to any of you.

25 BY MR. JUBB:



1 Q Okay. So if Mr. Garabedian wrote down that you  
2 did no jail time, did he write that down wrong  
3 or did you tell him you had no jail time?

4 A I don't know. I told him that my life is an  
5 open book. I know what I have done wrong in my  
6 life.

7 Q That's not my question. I don't care what you  
8 have done in your life. I'm just focused on  
9 jail time right now. Did you tell  
10 Mr. Garabedian that you have never done jail  
11 time?

12 A No.

13 MS. DOUGHERTY: Objection.

14 BY MR. JUBB:

15 Q Okay. So you told Mr. Garabedian that you did  
16 do jail time, correct?

17 A I believe so.

18 Q Because you have done jail time, correct?

19 A Again, what -- how is this relevant to  
20 anything?

21 Q Is the answer to my question correct?

22 A I just said --

23 MS. DOUGHERTY: Objection.

24 THE WITNESS: -- yes.

25 BY MR. JUBB:

1 Q Okay. Now, did he ask you if you've ever been  
2 charged with any felonies?

3 A I don't recall.

4 Q Did he ask you if you have ever been charged  
5 with any misdemeanors or anything about your  
6 criminal background?

7 A I believe so.

8 Q And when he asked you about your criminal  
9 history, to that question of, you know, have  
10 you ever been convicted of a felony, what would  
11 you have told him?

12 A That I --

13 MS. DOUGHERTY: Objection.

14 THE WITNESS: -- don't think I have  
15 been.

16 BY MR. JUBB:

17 Q Have you ever been charged with a felony?

18 A I believe so.

19 Q And did he ask you that?

20 A I don't recall.

21 Q Did you ever tell Mr. Garabedian that you had a  
22 breaking and entering?

23 A What?

24 Q Did you ever tell Mr. Garabedian in any phone  
25 call that you were either charged or convicted

Kurtis Poulos

1 of a breaking and entering?

2 A No. Because I don't recall ever breaking or  
3 entering any property.

4 Q Did you ever tell Mr. Garabedian that you were  
5 charged and convicted of disorderly conduct?

6 A Yes.

7 Q Okay. So you recall saying that; is that  
8 right?

9 A I believe so.

10 Q All right. So if Mr. Garabedian was operating  
11 under the impression that you were actually  
12 arrested for breaking and entering, do you have  
13 any idea where that could have possibly come  
14 from?

15 MS. DOUGHERTY: Objection.

16 BY MR. JUBB:

17 Q Mr. Poulos?

18 A I have no idea.

19 Q Have you ever been charged with a breaking and  
20 entering?

21 A Not to my recollection.

22 Q Okay. I want you to think just on what you  
23 told Mr. Garabedian as of December of 2017 when  
24 you first contacted him. What crimes, either  
25 misdemeanor or felony, did you tell him that

1           you had on your record?

2     A     I don't recall.

3     Q     Well, when he asked -- let me back up. The  
4           fact that you told him that you had a  
5           disorderly conduct leads me to believe that he  
6           did ask you about your criminal history. So  
7           with that being a logical conclusion, I assume  
8           that when you responded to that question you  
9           wanted to be as truthful and thoughtful as  
10          possible, correct?

11                       MS. DOUGHERTY: Objection.

12                       THE WITNESS: Correct.

13     BY MR. JUBB:

14     Q     You knew he was doing an intake process to see  
15           and assess if you were credible, correct?

16                       MS. DOUGHERTY: Objection.

17                       THE WITNESS: Correct.

18     BY MR. JUBB:

19     Q     And if you lied about your criminal conduct,  
20           that's something that wouldn't be very credible  
21           and honest, would it?

22                       MS. DOUGHERTY: Objection. What does  
23           -- Lane, you're really going far abroad of the  
24           order at this point.

25                       THE WITNESS: Yeah.

1 MR. JUBB: I'm not going abroad  
2 anything.

3 MS. DOUGHERTY: Yeah, you are.  
4 You're asking him to interpret what you think  
5 Mr. Garabedian wrote in notes. You are asking  
6 him to interpret what Mr. Garabedian's purpose  
7 was. The order is about his communications and  
8 discussions with Mr. Garabedian.

9 MR. JUBB: We will solve this.

10 BY MR. JUBB:

11 Q Mr. Poulos, am I correct that Mr. Garabedian  
12 asked you whether or not you have been charged  
13 or convicted with a felony, yes or no?

14 A Possibly. I do not recall the specifics of the  
15 conversation.

16 Q Okay. From the time you had that conversation  
17 to present, put that aside, had you been  
18 convicted of a felony at that point that you  
19 would have relayed it to him that you had?

20 MS. DOUGHERTY: Objection. Are you  
21 asking him if he had been convicted of a felony  
22 at the time of the intake? I don't understand  
23 your question.

24 MR. JUBB: Yeah, I am.

25 THE WITNESS: You obviously know the

1 answer.

2 BY MR. JUBB:

3 Q But why won't you tell me the answer?

4 MS. DOUGHERTY: Because whether he's  
5 been convicted of a crime, Lane, is not a  
6 discussion that he had with Mr. Garabedian.

7 THE WITNESS: And it's not --

8 MR. JUBB: Mr. Poulos --

9 MS. DOUGHERTY: The area -- Mr.  
10 Garabedian --

11 BY MR. JUBB:

12 Q Have that discussion with Mr. Garabedian?

13 A I can't hear you.

14 Q Did you have a discussion with Mr. Garabedian  
15 as to whether or not you have been convicted of  
16 a crime?

17 MS. DOUGHERTY: Objection.

18 THE WITNESS: Asked and answered,  
19 Lane.

20 BY MR. JUBB:

21 Q Did you have a conversation with Mr. Garabedian  
22 about your family?

23 MS. DOUGHERTY: Ever or during the  
24 intake?

25 MR. JUBB: Intake. Just focused on

1 the intake right now.

2 MS. DOUGHERTY: Okay. Thank you.

3 BY MR. JUBB:

4 Q I'll let you know when I move on. During the  
5 intake process, the first one, did he ask you  
6 any questions about your mom or your dad?

7 A I believe so.

8 Q Okay. And when he asked you a question about  
9 your dad, what did you tell him?

10 A I told him what type of human being he is.

11 Q Did you tell him that he was violent with you?

12 A Yes, because that's the truth.

13 Q Did you talk to him about your mother and the  
14 role that she plays in your life?

15 A You're frozen.

16 Q Did you talk to him about your mother and the  
17 role that she plays in your life?

18 A Yes.

19 Q Did he ask you any questions about any sort of  
20 siblings or anything like that?

21 A I believe so.

22 Q Tell me about the discussion that you had with  
23 Mr. Garabedian in as much detail as possible  
24 about the relationship or lack there of you had  
25 with your father.

1 A I just explained how he treats his children.

2 Q But I need to know what you told him. What did  
3 you explain? Explain that to me.

4 A Not sure how that's relevant, but he treats his  
5 children like we're disposable.

6 Q Did he ask you any follow-up questions as to,  
7 you know, that having affected your life at  
8 all?

9 MS. DOUGHERTY: Objection.

10 THE WITNESS: I don't believe so and  
11 not relevant.

12 BY MR. JUBB:

13 Q Did you tell Mr. Garabedian that you were  
14 sexually abused during your freshmen year?

15 A I don't recall. I believe I told him it was my  
16 fourth form year, which would have been my  
17 sophomore year.

18 Q Do you believe there's any chance you told him  
19 that had happened freshmen year?

20 A There's a possibility that I had the wrong year  
21 as far as dates, but I don't specifically  
22 remember saying freshmen year.

23 Q Did you ever tell him that you were sexually  
24 abused in a study room or cubicle?

25 A Yes.



1 Q Okay. Did you ever tell him that you were  
2 sexually abused in your single dorm?

3 A Yes.

4 Q Okay. And when you and I first spoke during  
5 those ten hours that you just discussed over a  
6 period of three days, at no point in time did  
7 you ever tell us that you were sexually abused  
8 in your freshmen year, correct?

9 A Not to my recollection, no.

10 Q And in those ten days (sic) spanning over three  
11 days at no point in time did you ever tell us  
12 that you were sexually abused in some sort of  
13 cubicle, correct?

14 MS. DOUGHERTY: Objection.

15 THE WITNESS: Correct.

16 BY MR. JUBB:

17 Q And during those three-days span over ten hours  
18 and everybody's time at no point did you ever  
19 tell us that you were abused in your dorm room,  
20 correct?

21 MS. DOUGHERTY: Objection.

22 THE WITNESS: Correct.

23 BY MR. JUBB:

24 Q Why did you tell Mr. Garabedian that?

25 MS. DOUGHERTY: Objection.

1 THE WITNESS: Why didn't you ask me?

2 BY MR. JUBB:

3 Q Is it your testimony that no one asked you  
4 where all the abuse occurred?

5 A You asked me about specifics that I could  
6 recall. I have spent 27 years trying to not  
7 recall every specific detail.

8 Q So when we asked you where everything occurred  
9 and you never told us that it occurred in your  
10 room --

11 A It was in his -- in his classroom primarily.  
12 Again, I don't understand why you keep having  
13 to rehash this. He abused --

14 Q Sir --

15 MS. DOUGHERTY: Objection. He's  
16 allowed to finish his answer. Go ahead.

17 BY MR. JUBB:

18 Q Say whatever you need to.

19 A I'm done.

20 Q I figured you were.

21 MS. DOUGHERTY: No, he wasn't. You  
22 interrupted him, Mr. Jubb.

23 THE WITNESS: Again, even the  
24 videographer said that at least 30 seconds for  
25 us to finish our questions so that we can

1 understand and interpret what's going on.

2 Every time I start to speak you start to speak  
3 over me. It not only makes this pointless but  
4 infuriating.

5 MS. DOUGHERTY: Mr. Jubb, you have  
6 done it a couple times to me too. I'm  
7 wondering if there's a delay because I think  
8 you're on telephone and video. So if that's  
9 the case, we need to just be cognizant of it if  
10 it's not on purpose.

11 BY MR. JUBB:

12 Q Are you guys done?

13 A Doesn't matter if we're done, you're going to  
14 speak over us anyway.

15 Q Let me know when you're done, and I will  
16 continue.

17 A You got 31 minutes, and then I'm done.

18 Q All right. We will see. Why did you tell  
19 Mr. Garabedian that you were abused in your  
20 dorm room?

21 A Because it was the truth.

22 Q Is it your testimony now that you were abused  
23 in your dorm room, because we never discussed  
24 that in your prior deposition, correct?

25 A Correct.

1 Q Okay. And I believe it was actually  
2 Ms. Dougherty who had asked you a question  
3 about were there any other instances of sexual  
4 abuse that occurred --

5 MS. DOUGHERTY: Objection.

6 BY MR. JUBB:

7 Q -- outside of the classroom, and I believe your  
8 testimony was no, correct?

9 MS. DOUGHERTY: Objection.

10 THE WITNESS: Not concerning  
11 Mr. Ralston.

12 BY MR. JUBB:

13 Q Wait a minute. Did you get abused by somebody  
14 else in your dorm room?

15 MS. DOUGHERTY: Objection. Please  
16 watch your tone.

17 THE WITNESS: Irrelevant.

18 BY MR. JUBB:

19 Q Irrelevant? Mr. Poulos, are you saying that  
20 you were sexually abused in your dorm room?

21 A And your client, The Hill School, knew about  
22 it.

23 Q Mr. Poulos, are you saying that somebody else  
24 abused you in your dorm room when you were a  
25 student at The Hill School?

1 MS. DOUGHERTY: Objection.

2 THE WITNESS: Asked and answered.

3 BY MR. JUBB:

4 Q No. No. No. I need to know very  
5 specifically, and I imagine that Ms. Dougherty  
6 would want to know as well, did you get abused  
7 in any way, shape, or form when you were a  
8 student at The Hill School in your dorm room?  
9 Yes or no?

10 A Yes.

11 Q Okay. And that person, based on your answer,  
12 was not Mr. Ralston, correct?

13 MS. DOUGHERTY: Objection.

14 THE WITNESS: And, again, define  
15 abuse because you're being very vague. Did I  
16 get the shit beat out of me in my dorm room?  
17 Would I consider that abuse? Yes.

18 BY MR. JUBB:

19 Q So when you were talking to Mr. Garabedian and  
20 he's asking you as a sexual abuse lawyer where  
21 it occurred, did you tell him that you were  
22 sexually abused in your dorm room?

23 A I don't believe so. I said that I was abused  
24 in my dorm room.

25 Q Who abused you in your dorm room?

1 A Irrelevant.

2 Q Who abused you in your dorm room if -- let me  
3 correct it.

4 Did you -- did he ask you, "Did  
5 Mr. Ralston abuse you in your dorm room?"

6 A I don't believe so. He asked if I was abused  
7 in my dorm room.

8 Q What about the cubicle that you told him you  
9 were abused in? Who abused you there?

10 A Irrelevant who did it. It happened. Abuse is  
11 abuse. Do you remember every kid that beat the  
12 shit out of you in high school?

13 Q Did he ask you about sports that you played?

14 A Possibly. I did not play too many sports. I  
15 was injured for a majority of my freshmen year  
16 with a broken arm.

17 Q Did you tell Mitchell Garabedian that you were  
18 aware of other victims of other teachers for  
19 alleged sexual abuse?

20 A Yes.

21 Q And did he ask you who they were?

22 A Possibly, and I cannot recall their exact  
23 names.

24 Q But did you recall them when Mr. Garabedian  
25 asked you for it?

1 A Possibly.

2 Q Did you tell Mr. Garabedian that it didn't  
3 matter if the perp was outed?

4 MS. DOUGHERTY: Objection.

5 BY MR. JUBB:

6 Q Do you understand my question?

7 A I was about to and then you interrupted me. I  
8 don't believe so.

9 Q Okay. Did you in any way express to  
10 Mr. Garabedian that it was not a concern to you  
11 whether or not the alleged perpetrator of your  
12 sexual abuse was outed? Did you explain that  
13 or express that to him in any words?

14 MS. DOUGHERTY: Objection.

15 THE WITNESS: My recollection of the  
16 conversation was that things would be kept  
17 under wraps until there was going to be a  
18 conclusion and then a possible outing. I've  
19 had more than enough chance to call every  
20 newspaper who's called me, and I have not  
21 responded to any of them nor have I publically  
22 outed anyone.

23 BY MR. JUBB:

24 Q Have newspapers tried to contact you about this  
25 case?

1 A Yes.

2 Q Okay. Have you told any of them any of your  
3 claims here?

4 A No.

5 Q When you had this conversation with Mitchell  
6 Garabedian initially, did he express to you  
7 that it would be, you know, his preference if  
8 you said that you wanted to make sure that  
9 there was no nondisclosure agreement?

10 MS. DOUGHERTY: Objection.

11 THE WITNESS: Reask the question.

12 BY MR. JUBB:

13 Q Sure. Was it Mitchell Garabedian's idea that  
14 you would tell the school you wanted no  
15 nondisclosure agreement?

16 MS. DOUGHERTY: Objection.

17 THE WITNESS: It was discussed, and  
18 it was not brought up by me.

19 BY MR. JUBB:

20 Q In this initial phone call, am I correct there  
21 was more than one lawyer on that or was it just  
22 Mr. Garabedian?

23 A I believe with most of my phone calls it's been  
24 Mitchell Garabedian and either a legal aide or  
25 another associate -- associate in his firm.



1 Q Do you remember when we first started this  
2 action and you wrote in your pleadings that you  
3 told Mr. Garabedian and only Mr. Garabedian?

4 MS. DOUGHERTY: Objection.

5 THE WITNESS: I may have misspoke.  
6 In recollection, yes, I possibly had said that,  
7 but majority of the time I have spoken with him  
8 there has been someone else in the room.

9 BY MR. JUBB:

10 Q How many other conversations can you recall  
11 with his associates or his paralegals?

12 MS. DOUGHERTY: Objection. Are you  
13 asking with Mr. Garabedian or separate from  
14 Mr. Garabedian?

15 BY MR. JUBB:

16 Q Separate. I will make that clear for you and  
17 rephrase it, Mr. Poulos. How many  
18 conversations do you recall having with any  
19 associates, paralegals or other individuals who  
20 you believe to have been working for  
21 Mr. Garabedian without speaking to  
22 Mr. Garabedian personally?

23 A Very few. I was not able to get ahold of  
24 Mitchell and rarely did I receive a phone call  
25 back.

1 Q And am I correct that from December 2017 time  
2 frame until December 2018 you never heard back  
3 from Mr. Garabedian at all?

4 MS. DOUGHERTY: Objection.

5 THE WITNESS: There may have been  
6 small conversations over the phone where it was  
7 sort of just checking in, me trying to find out  
8 what was going on, nothing more.

9 BY MR. JUBB:

10 Q Am I correct you were unaware that he was  
11 sending a letter to The Hill School?

12 MS. DOUGHERTY: Objection.

13 THE WITNESS: Lane, I have answered  
14 that before. My understanding was that he was  
15 going to reach out to the counsel for the  
16 school.

17 BY MR. JUBB:

18 Q Did Mr. Garabedian ever --

19 MS. DOUGHERTY: Hold up. He wasn't  
20 -- he's not done.

21 THE WITNESS: I'm not done speaking,  
22 Lane.

23 MR. JUBB: I'm sorry. You have these  
24 drawn-out pauses. Forgive me. Please  
25 continue.

1 MS. DOUGHERTY: There wasn't a  
2 drawn-out pause. He was taking a breath.

3 THE WITNESS: My understanding, as I  
4 have stated in the past, was that he was going  
5 to reach out to the two counselors that your  
6 client, The Hill School, hired and  
7 misrepresented themselves instead of just  
8 saying that they were lawyers for The Hill  
9 School.

10 BY MR. JUBB:

11 Q Have you finished your answer?

12 A Yes.

13 Q Did Mr. Garabedian tell you he was going to  
14 send a letter to the headmaster outlining what  
15 you alleged to be sexual abuse?

16 MS. DOUGHERTY: Objection.

17 THE WITNESS: I don't believe so.

18 BY MR. JUBB:

19 Q Did you tell Mr. Garabedian to call your mom?

20 MS. DOUGHERTY: Objection.

21 THE WITNESS: Possibly.

22 BY MR. JUBB:

23 Q What did you believe your mom could provide  
24 Mr. Garabedian that you couldn't at the age of  
25 39?

1 MS. DOUGHERTY: Objection.

2 THE WITNESS: Possibly a view at my  
3 life and how it's been destroyed from the  
4 outside.

5 BY MR. JUBB:

6 Q Did you ever have any personal -- excuse me.  
7 Strike that.

8 Did you ever have any face-to-face  
9 discussion with Mr. Garabedian, in person?

10 A No.

11 Q Did you ever have any Zoom meeting with  
12 Mr. Garabedian where you could see his face and  
13 he could see you?

14 A No.

15 Q Did you ever send him a form of photo ID to  
16 show you were who you said you were?

17 MS. DOUGHERTY: Objection.

18 THE WITNESS: I don't believe so.

19 BY MR. JUBB:

20 Q When you offered Mr. Garabedian the yearbooks,  
21 did you ever send it to him?

22 A I never received any yearbooks. I do not have  
23 any documentation from that school whatsoever.  
24 Any yearbooks that were acquired were not  
25 acquired by me. They may have been acquired by

1 request from another member of my family, but I  
2 do not possess any physical documents that have  
3 anything to do with that school.

4 Q So are you trying to imply -- because, you  
5 know, we both know what we know. Did your mom  
6 request yearbooks from the school? Is that  
7 what you are referring to?

8 A Correct.

9 Q Okay. And then you told Mr. Garabedian, "Do  
10 you want to see my yearbooks, my mom has got  
11 them," correct?

12 A I believe he requested that we get them.

13 Q Did you ever -- strike that.

14 Did he ever, as far as you know,  
15 receive those yearbooks from you or your  
16 mother?

17 A I do not know. You have seen more of my  
18 yearbooks in the last 25 years than I have.

19 Q Did you ever tell Mr. Garabedian you had a dog?

20 A Yes, because I've had my service dogs for the  
21 last three years.

22 Q When did you get Clifford?

23 A January 15th of 2020.

24 Q And what was the dog's name before that?

25 A Clifford.

1 Q Did you ever have a dog named Bumblebee?

2 A Yes. That was my first service dog. I had her  
3 for a year.

4 Q And when you told -- did you tell him they were  
5 service dogs?

6 A It may have come up in conversation. I had  
7 Bumblebee trained as my service animal just as  
8 I have had Clifford trained as my service  
9 animal.

10 Q And I thought from your prior testimony you had  
11 said that you had determined them to be service  
12 animals. Are you saying that you got them  
13 trained for that?

14 A I had Bumblebee trained for it in the first two  
15 months. Unfortunately, I had to wait for Big  
16 Red over here because of COVID to get trained  
17 as a service dog, so he recently completed his  
18 training.

19 MS. DOUGHERTY: I'm sorry. Did you  
20 say Big Red?

21 THE WITNESS: Yeah, Clifford, Big  
22 Red.

23 MS. DOUGHERTY: Okay.

24 BY MR. JUBB:

25 Q Mr. Poulos, did Mr. Garabedian ask you about

1 any of your medical history?

2 A Yes.

3 Q Did he ask you about any visits to the  
4 hospital?

5 A Yes. That would be part of my medical history.

6 Q Okay. And when he asked you those questions,  
7 did you tell him about all of your trips to the  
8 hospital for drinking?

9 MS. DOUGHERTY: Objection.

10 THE WITNESS: I recall explaining to  
11 him that I have had -- Clifford, it's okay.  
12 Yes. I explained that I had been hospitalized  
13 multiple times throughout my life.

14 BY MR. JUBB:

15 Q And did you explain that that was in the  
16 context for your alcohol abuse?

17 A Yes.

18 Q And did you explain to him that you were  
19 diagnosed with hepatic encephalopathy?

20 A Yes.

21 Q Did you explain to him the status of your liver  
22 and the cirrhosis?

23 A My liver is fine now. Thank you for asking.

24 Q Did you ever have -- I'm sorry. Is it your  
25 testimony that you had a cirrhosis liver and

1 now that it's fine?

2 A Correct.

3 Q Am I correct the only phone interviews that you  
4 had with Mr. Garabedian were in December of  
5 2017?

6 MS. DOUGHERTY: Objection.

7 THE WITNESS: As far as interview,  
8 yes; other phone conversations, different  
9 story.

10 BY MR. JUBB:

11 Q When you were --

12 MS. DOUGHERTY: Objection. He wasn't  
13 done with his answer.

14 THE WITNESS: Yeah. I'm done with  
15 this if you are going to keep talking over me.

16 BY MR. JUBB:

17 Q Go ahead, please. I'm trying to move this  
18 along quickly. Go ahead.

19 A Doesn't matter. Just keep going.

20 Q Okay. So I will ask my question again and see  
21 if you want to add to your answer. Am I  
22 correct that other than the interview that was  
23 done -- strike that.

24 Am I correct the only interview with  
25 you and Mr. Garabedian pertaining to your



1           allegations occurred in December of 2017?

2                       MS. DOUGHERTY:  Objection.

3                       THE WITNESS:  That was my first  
4           formal interview.  After that I don't know that  
5           I would consider it an interview.  There were  
6           conversations.

7  BY MR. JUBB:

8  Q     Okay.  And in that interview process when  
9         talking about what you're claiming to be  
10        experiencing now, did he ask you questions that  
11        were in some way leading?  In other words, did  
12        he say, "Did this ruin your life?  Did it make  
13        you feel guilty?  Did it give you these trust  
14        issues?" or did you just voluntarily tell him  
15        all those things?

16                    MS. DOUGHERTY:  Objection.

17                    THE WITNESS:  As I already stated  
18        before, I have never withheld anything about  
19        the way this has affected my life physically  
20        and mentally.

21  BY MR. JUBB:

22  Q     And my question was a little bit different.  
23         When he asked you about how this -- how you --

24                    MS. DOUGHERTY:  Hold up.  Mr. Poulos  
25        is talking.

1 MR. JUBB: He's not talking at all.

2 MS. DOUGHERTY: He was talking.

3 THE WITNESS: I was talking, Lane.

4 BY MR. JUBB:

5 Q Keep going, please.

6 A I was forthcoming about my physical ailments  
7 that have resulted in this or resulted from  
8 this. Clifford, it's okay.

9 Q You already told me that. Is there anything  
10 else you want to add?

11 A No.

12 Q Okay. So getting back to my question. Did  
13 Mr. Garabedian ask you in a leading matter  
14 about your claimed injuries, or did you just  
15 voluntarily list off everything? So, for  
16 example, did he say to you, "Do you have  
17 depression? Do you have crying? Do you feel  
18 that it's unfixable? Do you feel guilty?" or  
19 did you just come up with a list of everything  
20 yourself?

21 MS. DOUGHERTY: Objection.

22 THE WITNESS: Again, I was  
23 forthcoming. I didn't need to be led by  
24 Mitchell in any which way. I just wanted to  
25 tell the truth.

1 BY MR. JUBB:

2 Q So do you believe that you told Mr. Garabedian  
3 that it occurred in the classroom?

4 MS. DOUGHERTY: Objection.

5 THE WITNESS: Again, I do not  
6 remember the exact specifics of our first  
7 conversation.

8 BY MR. JUBB:

9 Q Did you tell Mr. Garabedian the name of the  
10 person that you are claiming sexually abused  
11 you?

12 MS. DOUGHERTY: Objection.

13 THE WITNESS: If I did, it was not  
14 during the first conversation.

15 BY MR. JUBB:

16 Q Ultimately, did he ever ask you any types of  
17 questions about who the alleged abuser was?  
18 You know, what was the position in the school?  
19 You know, was he well liked, things of that  
20 type of nature? Did he ask any further  
21 questions about who the alleged abuser was?

22 MS. DOUGHERTY: Objection.

23 THE WITNESS: You mean did he ask if  
24 he was popular? I don't remember.

25 BY MR. JUBB:

1 Q Did he ask if Mr. Ralston was well liked?

2 A Pretty sure I just answered that exact  
3 question. I don't remember if he asked if  
4 Mr. Ralston -- who we should stop calling John  
5 Doe -- was a popular teacher. There was very  
6 few teachers and very few students. So  
7 everybody had their groups. Who is to say who  
8 is popular with whom.

9 Q I didn't say popular at all. I never used that  
10 word. Listen to my question.

11 A Well liked is a synonym for popular.

12 Q Did you tell Mr. Garabedian that Mr. Ralston  
13 was well liked and well respected?

14 A Possibly.

15 Q And you say possibly because Mr. Ralston was  
16 well liked and was well respected?

17 MS. DOUGHERTY: Objection.

18 THE WITNESS: Again, there were very  
19 few teachers. Of course everybody was well  
20 liked by at least one group in our school. My  
21 graduating class was 94 or 95 people, as I'm  
22 sure you already know. So obviously we had  
23 teachers who we very much liked, other teachers  
24 were not liked by that same group of students.  
25 It's just the way a small community lives.

1 BY MR. JUBB:

2 Q Okay. Well, considering that small community,  
3 can you think of anybody who had anything bad  
4 to say about Mr. Ralston other than you?

5 MS. DOUGHERTY: Objection.

6 THE WITNESS: I never asked.

7 BY MR. JUBB:

8 Q Did you tell Mr. Garabedian -- strike that.

9 From the last time we spoke I believe  
10 your testimony was that upon graduation from  
11 The Hill School you had never returned. Do you  
12 recall that?

13 MS. DOUGHERTY: Objection.

14 THE WITNESS: Yes.

15 BY MR. JUBB:

16 Q Okay. Did you tell Mr. Garabedian that you  
17 returned after graduation?

18 MS. DOUGHERTY: Objection.

19 THE WITNESS: I drove by it. I  
20 didn't go on campus. Two completely different  
21 things.

22 BY MR. JUBB:

23 Q What were you doing in Pottstown, Pennsylvania,  
24 as a citizen of Wisconsin?

25 MS. DOUGHERTY: Objection.

1                   THE WITNESS: I was visiting a friend  
2           at Cornell, and my girlfriend at the time --  
3           after we left Washington DC to visit my  
4           grandparents -- one of which was a United  
5           States senator -- we drove through  
6           Philadelphia, and she said, "I would like to  
7           see where you went to high school." So I drove  
8           her by the campus and did not ever put my  
9           vehicle on that property.

10    BY MR. JUBB:

11    Q    Who was the girlfriend at the time?

12    A    You already know the answer.

13    Q    Okay. So what year was this?

14    A    1999.

15    Q    So is that the story that you told  
16           Mr. Garabedian?

17                   MS. DOUGHERTY: Objection.

18                   THE WITNESS: I don't remember the  
19           specifics of what I told Mitchell Garabedian  
20           about my trip passing through Pennsylvania on  
21           my way back from New York, Washington DC, West  
22           Virginia into Ohio and then back to Milwaukee.

23    BY MR. JUBB:

24    Q    I'm not asking for, you know, which exits you  
25           took. I'm asking whether or not you told

1 Mr. Garabedian that you went back to The Hill  
2 School?

3 MS. DOUGHERTY: Objection.

4 THE WITNESS: I do not recall.

5 BY MR. JUBB:

6 Q Okay. Now, is it your testimony that having  
7 driven from DC through Philadelphia that you  
8 just circled -- you did a lap around The Hill  
9 School campus; is that it?

10 MS. DOUGHERTY: Objection.

11 THE WITNESS: We may have gotten  
12 food, but I didn't go on the actual campus.

13 BY MR. JUBB:

14 Q So your girlfriend wanted to see the school  
15 that you went to, but when you took her there  
16 -- and you took her from Philadelphia out to  
17 the suburbs on 76 traffic, you just did a lap  
18 around the school?

19 MS. DOUGHERTY: Objection.

20 THE WITNESS: There's nothing --  
21 everything is visible from basically -- at  
22 least it was, you could see Dutch Village from  
23 the outside area. You could see the dining  
24 hall. You could see the library. You could  
25 see the headmaster's home. There was no reason

1 to actually go on campus, and either which way  
2 class was not in session. So I wouldn't feel  
3 comfortable going on that property for multiple  
4 reasons, but to just drive up, assuming I can,  
5 seems rude. I wasn't invited.

6 BY MR. JUBB:

7 Q You thought it would have been rude to drive on  
8 to your high school campus and that's why you  
9 didn't take your girlfriend on there --

10 MS. DOUGHERTY: Objection.

11 BY MR. JUBB:

12 Q -- after she asked to see your school and  
13 you're driving back up from DC?

14 MS. DOUGHERTY: Objection.

15 THE WITNESS: She saw my school.

16 BY MR. JUBB:

17 Q What was the route that you were taking --

18 MS. DOUGHERTY: Stop. He's still  
19 talking.

20 MR. JUBB: I'm putting my head down  
21 and he's -- I don't hear anything.

22 MS. DOUGHERTY: Well, I can hear him  
23 and I can see him.

24 THE WITNESS: Lane, you have got  
25 three minutes to finish.



1 BY MR. JUBB:

2 Q I have as long as I need. I have a court  
3 order, and you would be wise to open your email  
4 to see what that order says and maybe you  
5 wouldn't have this three minutes remaining. So  
6 I'm going to continue my questions, and if you  
7 need to see the order again, I will show it to  
8 you.

9 So my question was what route did you  
10 take that you said to Mr. Garabedian "I went  
11 back to The Hill School," what was that route?  
12 You said you were coming from DC?

13 MS. DOUGHERTY: Objection. Are you  
14 asking about what he told Mr. Garabedian or his  
15 route? Because you started with Mr. Garabedian  
16 and then you ended with the route.

17 MR. JUBB: I think it was perfectly  
18 fine. I will --

19 MS. DOUGHERTY: No. It's not because  
20 he's repeatedly said he doesn't know what he  
21 told Mr. Garabedian. So it's fine. I just  
22 want to know which one you're asking.

23 BY MR. JUBB:

24 Q When you were talking to Mr. Garabedian about  
25 going back to visit the school, do you believe

1           that you gave him any sort of details about  
2           that?

3     A     No.

4     Q     He never asked you, "Why would you go back to  
5           the school?"

6                         MS. DOUGHERTY:  Objection.

7                         THE WITNESS:  Not to my recollection.

8     BY MR. JUBB:

9     Q     All right.  And then to clarify, you were  
10           living in which location as of 1999?

11    A     I was living near the UWM campus, I believe, on  
12           Cramer Street, or that's where her apartment  
13           was.  It was --

14    Q     And was that the trip home from Washington DC?

15    A     That was the trip home from what started in  
16           Cornell, and I went to visit my grandfather who  
17           was dying of Alzheimer's.

18    Q     So that was at the Cornell -- was that Ithaca  
19           area?

20    A     Correct.

21    Q     And then you were coming down to DC.  What was  
22           that about?

23    A     I just said to visit my dying grandfather.

24    Q     I thought that was in Cornell.

25    A     No.  My friend from my Marquette High School

1 was going to Cornell. I then went to  
2 Washington DC because my girlfriend had never  
3 been there and wanted to meet my grandparents.

4 Q Okay. So you and your girlfriend were both in  
5 Cornell at the same time, correct?

6 MS. DOUGHERTY: Objection.

7 THE WITNESS: Yes.

8 BY MR. JUBB:

9 Q All right. Now I'm following, and then after  
10 DC you guys drive back to Wisconsin, right?

11 A Correct, and the easiest way back is through  
12 Pennsylvania turnpike.

13 Q I see your hand shaking. Initially you had  
14 said in some of your pleadings that this  
15 process that you're alleging to have occurred  
16 had caused you to have the tremors, correct?

17 A Correct. I have Parkinson's.

18 Q Right. Did you ever tell Mr. Garabedian that  
19 doctors have actually diagnosed you have  
20 shaking because of your alcohol withdrawal?

21 MS. DOUGHERTY: Objection.

22 THE WITNESS: If I had alcohol  
23 withdrawal, that would mean I was drinking. It  
24 has nothing to do with that. I have had this  
25 tremor since I was in my teens before I was

1 even drinking.

2 BY MR. JUBB:

3 Q Was it as noticeable?

4 A No. It gets noticeable when I have to wake up  
5 at 5:00 in the morning because I don't sleep  
6 because of bullshit like this.

7 Q So to the extent that Mr. Garabedian was asking  
8 you about your tremor, you said that to him?

9 A He never saw my tremor.

10 Q Right. You didn't see him. Did you tell him  
11 you had a tremor?

12 A You have already asked if I told him about my  
13 medical conditions, so, of course, I have told  
14 him about my tremor.

15 Q And when you told him about your tremor, did he  
16 follow up with any questions about any medical  
17 providers diagnosing you with it, when you were  
18 diagnosed with it and potential causes?

19 A I don't believe so.

20 Q Am I correct, though, that a physician has told  
21 you that your tremors are related to alcohol?

22 A No.

23 Q At some point in time, am I correct, that  
24 Mr. Garabedian told you that the school was  
25 giving him the runaround? Do you recall that?

1 A To an extent.

2 Q I want to show you something. I'm going to

3 mark this as Poulos 2. It's Garabedian 67.

4 This is an email from you to Mitchell

5 Garabedian dated 2/19/2019. Subject line, "How

6 are things going?" Do you see that?

7 A Yes.

8 Q Okay. And you said, "Hey, Mitchell. I just

9 wanted to check in and see how things are going

10 with The Hill School. I haven't heard anything

11 from you guys since I did that phone interview

12 with your associate a while back. I'm hoping

13 to put this whole thing in the rear view as

14 soon as possible so I can move forward with my

15 life. Thanks so much for everything!" This is

16 dated February 19th, 2019.

17 Am I correct the interview to which

18 you refer in this email with his associate was

19 the one from December of 2017?

20 MS. DOUGHERTY: Objection.

21 THE WITNESS: Correct.

22 BY MR. JUBB:

23 Q Now, at any point in time did Mr. Garabedian

24 tell you that school was trying to contact him?

25 A I don't believe so.

1 Q Am I correct that ultimately when this lawsuit  
2 was filed against you, he told you to go to the  
3 police; is that correct?

4 A I don't believe so.

5 Q At no point in time did Mr. Garabedian ever  
6 tell you to contact the police department?

7 A I don't believe so. I had already previously  
8 reached out to the Pottstown Police Department.

9 Q Was that in -- what time frame?

10 A When I was living in Connecticut, so any time  
11 from 2017 to 2018.

12 Q All right. Well, when you were communicating  
13 with Mr. Garabedian, do you have any  
14 recollections of you telling him that you are  
15 going to reach out to the police department?

16 A No.

17 Q Do you have any recollection of actually  
18 speaking with the Pottstown Police Department?

19 A Yes.

20 Q All right. And what do you recall about that?

21 A I gave no specific names. I asked if there was  
22 anything I could do, and I have been asked to  
23 fly to Pottstown or Philadelphia and drive to  
24 Pottstown and speak to them in person. I did  
25 not have the money.

1 Q So is it your testimony that the reason you're  
2 unwilling to go and speak to the Pottstown  
3 police to investigate alleged sexual abuse is  
4 because you don't have the money to get there?

5 A Correct.

6 Q And at some point, approximately 2014, 2015,  
7 you had a trust fund in your name, correct?

8 A 2014, 2015, yes. I did have the remainder of a  
9 trust fund.

10 Q And that's all gone, right?

11 MS. DOUGHERTY: Objection.

12 THE WITNESS: Yes, Lane. Otherwise I  
13 would have an attorney here with me.

14 BY MR. JUBB:

15 Q And did Mr. Garabedian ever inquire into your  
16 financial despair?

17 MS. DOUGHERTY: Objection.

18 THE WITNESS: Despair would imply  
19 that I'm destined to. No, he did not ask how  
20 much money I had.

21 BY MR. JUBB:

22 Q Do you believe you made him aware that you had  
23 a trust fund, that you had blown through that?

24 MS. DOUGHERTY: Objection.

25 THE WITNESS: Your verbiage of saying

1           that I have blown through that is unequivocally  
2           wrong. The money was spent on my education,  
3           and my father spent the rest of it.

4   BY MR. JUBB:

5   Q   Did you tell Mr. Garabedian that?

6   A   I told him what I spent it on, which were my  
7           personal expenses, high school, which is all I  
8           wanted back was my college -- high school  
9           tuition. I spent it on college. Part of my  
10          trust fund was that while attending school I  
11          was not allowed to have a job because I was  
12          supposed to be focused on studies. So they  
13          paid for my rent. They paid for my car. They  
14          paid for my insurance. That's in your mind  
15          blowing through it, then fine.

16                 You also have to understand that the  
17          trust fund wasn't written like just give this  
18          guy a check. It was written so that every time  
19          my father has a child, they just take more and  
20          more of the money and it divvies up more and  
21          more and more. So what was one thing became  
22          six things.

23   Q   And in your discussions with Mr. Garabedian,  
24          did you tell him that your trust fund had been  
25          diminished entirely because of your dad?



1 A It wasn't entirely diminished by my father.

2 Q Okay. Was there any money left at the time you  
3 spoke with Mr. Garabedian?

4 A In the entire Froedtert family trust that is  
5 still around, which pays for a hospital and  
6 everything else, there's about \$48 million, and  
7 I don't use any of it. I don't --

8 Q I'm sorry to interrupt you. But is this the  
9 trust to which you referred that you have no  
10 more money now?

11 A I have had three trust funds. So one was for  
12 high school, college. The other was for living  
13 expenses. Those two are gone. The other one  
14 I've never touched, and I have no plan to.

15 Q Do you recall making or leaving any voice mails  
16 for Mr. Garabedian to call you back?

17 A Yes.

18 Q Do you recall him leaving you any voice mails?

19 A No. Because typically if he called, I picked  
20 up.

21 Q In that time frame, the 2017 and 2018, do you  
22 know what your cell phone number was? Is it  
23 the same as it is now?

24 A No, it is not. I changed my phone number.

25 Q When did you change your phone number?

1 A Summer of 2019.

2 Q Was it after I sued you?

3 A No.

4 Q You changed your number before I filed the  
5 lawsuit?

6 A I got on a family plan with my mother, and I  
7 didn't want it -- I didn't want certain people  
8 having my phone number. So the people that  
9 needed to have it, have it; the people that  
10 don't, don't.

11 Q So when you changed your phone plan in the  
12 summer of 2019 -- what's your current number  
13 then?

14 A 262-330-4604.

15 Q And then what was your number at the time of  
16 the 2017 to 2018, right before that?

17 A 414-704-5715.

18 Q Did you have Mr. Garabedian's cell phone  
19 number?

20 A No, I had his office line.

21 Q Do you recall any discussions that you had --  
22 strike that.

23 We've already discussed that you had  
24 some discussions with Mr. Garabedian's  
25 associates or paralegals, whoever they have may

1           been. Do you recall any specifics about those  
2           discussions?

3       A     No.

4       Q     You're welcome to smoke, but it is a formal  
5           proceeding. So I will just ask my questions.

6                   MS. DOUGHERTY: Mr. Poulos, you can't  
7           smoke. This is like we're in court. If we  
8           need to take a break because you want to smoke,  
9           that's fine. Are we taking a break?

10                   THE WITNESS: I just assumed --

11                   MR. JUBB: I wouldn't do that, but  
12           we're happy to take a break if you need to  
13           smoke.

14                   THE WITNESS: Five minutes.

15                   MR. JUBB: All right.

16                   THE VIDEOGRAPHER: Going off the  
17           record at 9:13.

18                   (Brief recess taken.)

19                   THE VIDEOGRAPHER: We're back on the  
20           record at 9:19.

21       BY MR. JUBB:

22       Q     Mr. Poulos, I want to follow up on a couple of  
23           questions I had about the police, the Pottstown  
24           Police Department. Do you recall any of those  
25           discussions that you had with them?

1 A Not specifics.

2 Q Did you ever communicate with them by any means  
3 other than by telephone?

4 A No.

5 Q Did you tell Mr. Garabedian about your  
6 discussions with the Pottstown Police  
7 Department?

8 A Possibly.

9 Q As you sit here today, do you have any  
10 recollection of your conversation with  
11 Mr. Garabedian as it pertained to you  
12 purportedly contacting the Pottstown Police  
13 Department?

14 A I don't.

15 Q Okay. At some point in time this lawsuit gets  
16 filed and you have another conversation with  
17 Mr. Garabedian, and in that conversation did he  
18 ever bring up to you a criminal background  
19 check that revealed that you had an arrest for  
20 child endangerment?

21 A I don't recall.

22 Q In other words, you don't recall any  
23 conversation with Mitchell Garabedian where he  
24 said to you in sum and substance, hey, what is  
25 this charge of -- of arrest for child

1           endangerment?

2       A     I remember the arrest, and it was -- excuse my  
3           language, but it was bullshit.  Somebody had  
4           gotten into my American Online account and  
5           tried to entice a young lady.  And obviously  
6           the charges were dropped.

7       Q     So did you explain that to Mr. Garabedian?

8       A     Not in so many words.

9       Q     What did you tell Mr. Garabedian as it pertains  
10           to the arrest for child endangerment?

11      A     I don't recall.

12      Q     Tell me the details about the child  
13           endangerment.

14      A     I just did.  Someone got into my AOL account,  
15           and I guess tried to meet a girl for whatever,  
16           and they arrested me driving to, believe it or  
17           not, get a haircut because the guy knew all of  
18           my personal information.

19      Q     So you're driving to get a haircut and you get  
20           pulled over; is that right?

21      A     Correct.

22      Q     And why did you get pulled over?

23      A     Because he had told whoever was pretending to  
24           be this girl my make and model of my car, so  
25           they had -- I don't know, like, a BOLO to find

1 my car which was pretty distinctive given where  
2 I live.

3 Q Did you ever see the messages that were sent to  
4 this minor -- someone who is an alleged minor?

5 A I believe the cop that questioned me showed me  
6 the -- or showed me the transcript of the  
7 conversations that were being held, but they  
8 weren't done by me. They even confiscated my  
9 computer, and there was nothing on it.

10 Q Did you spend any time in jail?

11 A A night.

12 Q When you were going to get your haircut --  
13 forgive me, now you don't have hair, I guess is  
14 the punch line -- what year was this?

15 A It would have been 19 -- it was just before my  
16 21st birthday.

17 Q And you're on your way to get a haircut and a  
18 cop pulls you over, and my question is how did  
19 this particular cop know of your child  
20 endangerment issue?

21 A Again, I said they had a description of my  
22 vehicle. And my vehicle at the time was very  
23 distinctive.

24 Q What was it?

25 A Two-door Chevy Tahoe that was supercharged,

1 black on black with silver pin striping.

2 Q And as part of them pulling you over, were you  
3 in the vicinity of where the person who was  
4 purportedly acting as you was going to meet  
5 this minor?

6 MS. DOUGHERTY: Objection.

7 THE WITNESS: I don't believe so. I  
8 was driving up Capitol Drive to visit my  
9 girlfriend who was going to cut my hair.

10 BY MR. JUBB:

11 Q And did you give a statement to the police in  
12 the police department?

13 A Yeah. I was scared out of my mind.

14 Q And you told them that this wasn't you and  
15 someone had hacked your AOL?

16 A Correct.

17 Q And what happened after that?

18 A I found out when I got home they had gone into  
19 my house, seized my laptop, and three days  
20 later everything was gone, and I --

21 Q Did they ever return it?

22 MS. DOUGHERTY: Objection. He wasn't  
23 done with his answer.

24 THE WITNESS: Did they return it?

25 No. I had another computer. I didn't care.

1 BY MR. JUBB:

2 Q Did they have a warrant to search your house?

3 A Evidently.

4 Q And after executing on this warrant they took  
5 your computer. Anything else did they take?

6 A I don't believe so.

7 Q And did you ever try and contact the police to  
8 say, hey, I want my computer back?

9 A No, wasn't relevant.

10 Q And did he -- strike that.

11 At any point in time did  
12 Mr. Garabedian ever ask you about the  
13 protection from abuse order that was violated?

14 A Possibly.

15 Q Did you tell him that -- the story that you  
16 told me in your first deposition about how you  
17 had to go by her house?

18 A We lived down a one-way street. And, again, I  
19 had another very distinctive car.

20 Q And that's what you told Mr. Garabedian?

21 A I believe so, yes.

22 Q And did he ask you whether or not you had to do  
23 jail time for that?

24 A I don't recall.

25 Q At some point did Mr. Garabedian ever say to



Kurtis Poulos

1           you, you know, "Mr. Poulos, before you told me  
2           you didn't have any jail time, but now you're  
3           telling me you did," did he ever ask you about  
4           that?

5                       MS. DOUGHERTY:  Objection.

6                       THE WITNESS:  I don't believe so.

7  BY MR. JUBB:

8  Q     Did he ever question you why you never  
9         mentioned any of this stuff in your initial  
10        intake with him?

11  A     In my mind I did not see how anything that I  
12         had done while I was drinking and doing drugs  
13         would be relevant in regards to a criminal past  
14         to what happened to me a decade prior.

15  Q     When Mr. Garabedian was doing an intake process  
16         and he's asking you these questions, did he  
17         ever say to you that he wanted you to be  
18         truthful?

19                       MS. DOUGHERTY:  Objection.

20                       THE WITNESS:  Of course, and I was.

21  BY MR. JUBB:

22  Q     Did he explain to you in answering his  
23         questions he wanted you to be as complete as  
24         possible?

25  A     Yes.

1 Q And when he asked you about your criminal  
2 history, am I correct there were a number of  
3 things that you didn't inform him of?

4 A Possibly.

5 Q And despite him telling you he wanted you to  
6 have truthful and fully complete answers, did  
7 you ever explain to him why you didn't tell him  
8 about all your other criminal convictions?

9 MS. DOUGHERTY: Objection.

10 THE WITNESS: No.

11 BY MR. JUBB:

12 Q Did he seem to care about that at all?

13 A Restate the question.

14 Q Sure. When Mr. Garabedian learned that you did  
15 not provide him with a complete history of your  
16 criminal history when he first did your  
17 interview, did he express to you in any way in  
18 sum and substance, you know, disappointment in  
19 you for not being forthright about that?

20 MS. DOUGHERTY: Objection.

21 THE WITNESS: I don't believe so  
22 because, again -- no.

23 BY MR. JUBB:

24 Q Did Mr. Garabedian ever tell you or suggest to  
25 you that you should contact the AG's office?

1 A The attorney general's office?

2 Q Which attorney general's office?

3 A I don't know. You just brought up the  
4 question. You keep asking questions and you're  
5 not very specific. You just said the AG's  
6 office, so which AG am I supposed to reach out  
7 to?

8 Q That was my question.

9 A I don't know.

10 Q Okay. So let's back up. At any point in time  
11 did Mr. Garabedian tell you to contact any  
12 attorney general's office?

13 A No.

14 Q Okay. At any point in time did you tell  
15 Mr. Garabedian that you were going to contact  
16 the attorney general's office?

17 A I believe at one point I got frustrated with  
18 the lack of progress or lack of communication  
19 from him and said I was going to reach out to  
20 the numerous newspapers that had reached out to  
21 me. And he advised me not to, to just cool my  
22 jets and hunker down, and that was it. And  
23 that was the conversation.

24 Q At any point in time did you contact the  
25 attorney general's office?

1 A No.

2 Q What were you going to contact the attorney  
3 general's office about?

4 A Again, I never planned on calling any attorney  
5 general.

6 Q I'm a little confused. I thought you said that  
7 you had mentioned to Mr. Garabedian that you  
8 were getting frustrated with the lack of  
9 communication and that you were going to  
10 contact the AG's office or the newspapers and  
11 he told you to sit tight. So I could have  
12 misinterpreted your testimony, but I want to  
13 make sure I'm clear.

14 MS. DOUGHERTY: Objection. That's  
15 also not what he said.

16 MR. JUBB: That's what I just said.  
17 Maybe I misinterpreted his testimony. I'm  
18 trying to be clear.

19 BY MR. JUBB:

20 Q Am I correct that when you spoke with  
21 Mr. Garabedian, at no point in time did you  
22 ever suggest to him that you were going to  
23 contact the AG's office?

24 A No. I suggested that I would reach out to The  
25 Philadelphia Inquirer, the Pottstown magazine

1 or newspaper, and The Boston Globe and The New  
2 York Times and The Washington Post.

3 Q Okay. At any point in time did Mr. Garabedian  
4 tell you to contact the attorney general's  
5 office?

6 A Not that I believe.

7 Q And am I correct that you never, per your  
8 testimony, contacted in any way the attorney  
9 general's office?

10 A I never contacted the attorney general's office  
11 nor have I contacted any newspaper or media  
12 outlet.

13 Q Okay. And what were you going to contact the  
14 newspapers about?

15 A I was going to, without giving specific names,  
16 let them know that there's systemic  
17 hypersexualization at boarding schools, and The  
18 Hill School is not the only one.

19 Q So you were going to reach out to the  
20 newspapers without giving any names and tell  
21 them that there's hypersexualization going on  
22 in boarding schools?

23 A Yeah.

24 Q And you told Mr. Garabedian that?

25 A To some effect.

1 Q And he said sit tight?

2 A He said --

3 Q Correct?

4 A -- don't.

5 Q He said don't do that?

6 A Correct, so I did not.

7 Q You mentioned that some folks from The New York

8 Times or other media outlets have tried to

9 contact you and that you haven't contacted them

10 back. Do you recall testifying to that?

11 A Yes.

12 Q How did they contact you?

13 A Primarily through my mother.

14 Q How did they know to contact your mom?

15 A I can't speak to that.

16 Q Is it because she was going to contact the

17 newspapers?

18 A Again, I can't speak to that. I don't know her

19 intentions or what she may or may not have

20 done.

21 Q So as you sit here today, you have no knowledge

22 whatsoever of your mom ever indicating to you

23 that she was going to contact the newspapers;

24 is that correct?

25 A Not willfully, no.

1 Q Was she negligently going to contact the  
2 newspaper by accidentally dialing their number?  
3 What do you mean "willfully"?

4 MS. DOUGHERTY: Objection.

5 THE WITNESS: I mean willfully.

6 BY MR. JUBB:

7 Q Okay. Well, were you willfully not answering  
8 this question? Because I'm trying to figure  
9 out how your mom is going to not call the  
10 newspapers willfully.

11 MS. DOUGHERTY: Objection. I think  
12 you misunderstood his answer.

13 BY MR. JUBB:

14 Q Mr. Poulos, did your mom contact the  
15 newspapers?

16 A Yeah. I'm not going to reply to that. I don't  
17 know how that happened.

18 Q Mr. Poulos, by the way, what are you drinking  
19 right now? Could you hold that up for the  
20 camera? Could you hold that up to the camera  
21 for us?

22 A No.

23 Q Is that a Bud Light Seltzer?

24 A No. It's a Perrier. Do you want one?

25 Q Could you hold that up for us?

Kurtis Poulos

1 A No.

2 Q I just want to see the Perrier label.

3 A Don't worry about it. It's not relevant.

4 Q Are you taking your deposition today under any  
5 sort of intoxication?

6 A No. I'm just sleep deprived because I have  
7 been up since 5:00 in the morning.

8 Q Mr. Poulos, this is a video-recorded  
9 deposition. Is that a Bud Light Seltzer?

10 A No.

11 Q Is it in any way a malt beverage?

12 A No.

13 Q Would you please hold it up to the camera for  
14 us?

15 A No.

16 Q Any particular reason why?

17 A Because -- no.

18 Q So you're unwilling to tell us what you're  
19 drinking right now?

20 A Do you want me to pour it into a glass and I  
21 can show you the glass?

22 MS. DOUGHERTY: Mr. Poulos, just like  
23 you can't smoke a cigarette, you can't drink  
24 alcohol during a deposition. So Mr. Jubb is  
25 trying to confirm that you're not drinking



1 alcohol. The easiest way to do that is to just  
2 show him the can.

3 BY MR. JUBB:

4 Q Can you show me the can, Mr. Poulos?

5 A No.

6 Q Okay. Both Ms. Dougherty, who represents  
7 Mr. Garabedian and his law firm, as well as me  
8 who represents this plaintiff in this case  
9 against you where you are alleging sexual  
10 abuse, and we told you you can't smoke in the  
11 deposition.

12 I'm asking you to show me what that  
13 is because it's a video-recorded deposition.  
14 And I think we have all seen it a number of  
15 times right now. You're refusing to show us  
16 what you're drinking, correct?

17 MS. DOUGHERTY: Objection. Okay. We  
18 told him that he couldn't smoke and he stopped  
19 smoking. Nobody has informed him that he can't  
20 drink alcohol, so to the extent he's drinking  
21 alcohol, it could have been a misunderstanding,  
22 but he said he's not drinking alcohol.

23 BY MR. JUBB:

24 Q Okay. Mr. Poulos, at any point in time during  
25 your depositions spanning however long they may

1 have, have you been intoxicated?

2 A No.

3 Q All right. Are you intoxicated now in any way?

4 A No, I'm exhausted.

5 Q Mr. Poulos, is there -- did you at any point in  
6 time ever believe that it would be appropriate  
7 to drink during a deposition?

8 A Obviously --

9 MS. DOUGHERTY: Objection. Drink  
10 alcohol? Because you're certainly allowed to  
11 drink during a deposition, right? We're all  
12 drinking.

13 MR. JUBB: Ms. Dougherty, I think we  
14 were pretty clear on what I meant by that.

15 BY MR. JUBB:

16 Q But in case anybody has any confusion,  
17 Mr. Poulos, at any point in time did you  
18 believe it would be appropriate for you to  
19 drink alcohol during a deposition?

20 A No.

21 Q Okay. And as you sit here today, is it your  
22 testimony that what we have just been seeing  
23 you drink with two hands for the last hour or  
24 so is not a Bud Light Seltzer?

25 A Correct.

1 Q Okay. Could you just show us to confirm,  
2 because we really would like to see it.

3 A No.

4 Q All right. But you get thirsty again, would  
5 you just use one hand, maybe?

6 MS. DOUGHERTY: Objection. It's  
7 unnecessary to make comments like that.  
8 Mr. Poulos, I think you have probably figured  
9 it out by now, but a record is being made about  
10 what is occurring. And to the extent you have  
11 been drinking something other than alcohol, it  
12 would be beneficial to show it to the parties  
13 because plaintiff can certainly -- or  
14 Mr. Garabedian, the plaintiff, can certainly  
15 file a motion regarding your testimony if you  
16 were drinking alcohol.

17 If you were drinking alcohol, then we  
18 need to perhaps end the deposition and resume  
19 on another day when you're not drinking  
20 alcohol. But to avoid future controversy in  
21 motion practice, you won't be able to prove  
22 what you're drinking to a court if it's not  
23 reflected now in response to Mr. Jubb's  
24 questions.

25 I'm just giving you that information

1           because you're here without counsel, and if you  
2           had a lawyer, your lawyer would tell you that  
3           you could be subject to motion practice and  
4           perhaps sanction by the court if Mr. Jubb  
5           pursues the issue.

6                       And since you have not shown the item  
7           on the record as requested, or on the video as  
8           requested, you will have no way to demonstrate  
9           to the court if there's a controversy. It will  
10          just be your word against, you know, Mr. Jubb's  
11          contentions.

12                      THE WITNESS: In regards to his  
13          comment about me using two hands, it's because  
14          I have a tremor.

15                      MS. DOUGHERTY: It doesn't matter if  
16          you use one or two hands. It doesn't matter if  
17          you use a straw. It doesn't matter if you use  
18          your feet, okay? What matters is whether it's  
19          an alcoholic beverage.

20                      THE WITNESS: It's not.

21                      MS. DOUGHERTY: Okay. Is there a  
22          reason why you won't show it on the video? I  
23          realize that it's perhaps offensive to you to  
24          be accused of it, but in order to have it to  
25          show the court so that you can demonstrate to

1 the court if there's a motion later, it matters  
2 if it is shown on the video. It's up to you  
3 whether you decide -- what you decide to do  
4 with that information, but I'm just letting you  
5 know since you don't have a lawyer, okay?

6 BY MR. JUBB:

7 Q Mr. Poulos, having been advised that we would  
8 prefer that you weren't drinking or drunk  
9 during your deposition, would you like to  
10 proceed on a different day or would you like to  
11 continue now?

12 A I want to get this over with.

13 MS. DOUGHERTY: Mr. Jubb, I don't  
14 mean to interrupt you either, but, Mr. Poulos,  
15 I'm going to have questions as well because of  
16 the items you have identified today during your  
17 testimony after Mr. Jubb when his questions are  
18 over. I'm concerned that you have, a number of  
19 times, indicated that you are exhausted, and at  
20 the same issue that being drunk or otherwise  
21 impaired through consumption of drugs or  
22 alcohol would affect your ability to answer  
23 questions, also not having enough rest or being  
24 exhausted is a factor that would affect your  
25 ability to answer questions.

1                   So if that's an issue, then I think  
2                   we perhaps need to know that, because Mr. Jubb  
3                   and I both are entitled to have, you know,  
4                   answers that are based on your mind in a manner  
5                   in which you are able to answer the questions  
6                   not impaired, whether it be alcohol, drugs,  
7                   sleep, or other. Is there an issue with that?

8                   THE WITNESS: The only issue I have  
9                   is I have been up since 5:00 a.m., so 6:00 a.m.  
10                  your time.

11                  MR. JUBB: Well, Mr. Poulos, I can  
12                  assure you that Ms. Dougherty and I have quite  
13                  some schedules, and I have a deposition to get  
14                  to later today. I have been up since 4:30. So  
15                  I assure you that my questions are from the  
16                  same level of awakesness as you. So let's see  
17                  if we can proceed.

18                  THE WITNESS: Your questions are  
19                  questions. Your questions to me make me try to  
20                  relive and, again, live through those events  
21                  that traumatized me 20-some-odd years ago.  
22                  It's a little bit different than you waking up  
23                  and getting prepared to victim shame than me  
24                  knowing that I'm going to be victim shamed  
25                  again for my past discrepancies. Like, it's

1 just --

2 MS. DOUGHERTY: It's not a  
3 competition about who got up the earliest.  
4 It's an issue about whether you have an  
5 impairment, whether it be drugs, alcohol,  
6 sleep, something else, to answer questions.  
7 And so if you are confirming that you don't  
8 have an impairment, then we can proceed. But I  
9 don't want to ask you questions if you're  
10 impaired.

11 It's up to Mr. Jubb -- Jubb,  
12 rather -- if he wants to ask you -- I didn't  
13 mean to misstate your name. It's up to  
14 Mr. Jubb if he wants to ask questions under  
15 different circumstances. But anyway, I will  
16 stop. I apologize, Mr. Jubb.

17 BY MR. JUBB:

18 Q Great. Mr. Poulos, at any point in time in  
19 your discussions with Mr. Garabedian, am I  
20 correct that he never instructed you to contact  
21 any newspapers?

22 A Yes.

23 Q And at some point when this lawsuit got filed  
24 and he contacted you, tell me about that  
25 conversation, please.

1 MS. DOUGHERTY: Objection.

2 THE WITNESS: I was concerned. I did  
3 not know how I had got in trouble for his  
4 actions.

5 BY MR. JUBB:

6 Q When you say "his actions," do you mean the  
7 letters?

8 A Correct.

9 Q And I'm going to show you something here which  
10 we will mark as Poulos 3. It's an email from  
11 you to Mr. Garabedian dated 5/15/2019. "Dear  
12 Mitchell, I am sorry for my tone of voice and  
13 demeanor while speaking with you earlier. It's  
14 not my intention to be combative with you. I  
15 hope you can understand my feeling of  
16 frustration, which is no excuse. I will speak  
17 to you soon."

18 Do you recall having a heated  
19 conversation with Mr. Garabedian?

20 A Yes. This has not been the most easy thing to  
21 keep rehashing.

22 Q Just for the record, this was Garabedian email  
23 72, and the date is May 15, 2019. That's  
24 Poulos 3. What do you recall --

25 MS. DOUGHERTY: Can you tell me the



1 Bates label again? I apologize. I missed it.

2 MR. JUBB: Garabedian email 72.

3 MS. DOUGHERTY: Thank you.

4 BY MR. JUBB:

5 Q Tell me everything about that conversation that  
6 you can recall.

7 A I don't recall anything about that  
8 conversation.

9 Q Was there something traumatic about that  
10 conversation that you can't recall?

11 A No.

12 Q Any other reasons why you can't recall this  
13 conversation with Mr. Garabedian after you were  
14 sued?

15 A I just don't recall it.

16 Q Let me ask you this, after I sued you, do you  
17 have a recollection of ever speaking to  
18 Mr. Garabedian, anything in your discussions?

19 A Maybe once or twice asking if he was going to  
20 help me.

21 Q And other than just a general recollection of  
22 asking him if he was going to help you, you  
23 can't recall any of the discussions between you  
24 and Mr. Garabedian after I sued you; is that  
25 correct?

1 A Not offhand, except maybe he advised me to find  
2 counsel, that he would not be able to provide  
3 me with counsel during this situation.

4 Q Did he explain why?

5 A Not in so many words, no.

6 Q Did he ever explain to you anything about  
7 potential conflict of interest?

8 A I believe so.

9 Q Did he ever assist you in finding counsel?

10 A I don't believe so. Even if he did, it's not  
11 like I can afford it.

12 Q At any point in time did you, your mother and  
13 Mr. Garabedian ever have a phone call, the  
14 three of you?

15 A Not to my recollection.

16 Q Was your mom permitted to speak with  
17 Mr. Garabedian on your behalf?

18 A On my behalf, no, but she did make contact with  
19 him possibly to get advice, I guess.  
20 She's also been --

21 Q Did -- I'm sorry to interrupt you.

22 A So she thought it might just be advisable that  
23 she speak with him, so that we can have an  
24 educated conversation about what's going on.  
25 Without being a dick, but she can dumb things

1 down because I'm not an attorney. I don't  
2 speak your language. You guys have your own  
3 way of presenting everything, and she can give  
4 me a different perspective.

5 Q From the documents I reviewed, it looked like  
6 it was your mom who was really pushing you to  
7 contact Mr. Garabedian; is that correct?

8 A I think she was worried about me and what was  
9 going on.

10 Q And that was because -- correct me if I'm  
11 wrong -- you were in the hospital very  
12 frequently, you were getting some diagnosis  
13 with the liver, and then you told her that the  
14 reason for your conduct was because you were  
15 sexually abused as a minor at The Hill School;  
16 is that correct?

17 MS. DOUGHERTY: Object.

18 THE WITNESS: She knew about that.  
19 See, and that's -- you have all this  
20 information and your dates are so very, very  
21 wrong. She found out about that years before I  
22 ended up in the hospital due to drinking.

23 BY MR. JUBB:

24 Q Did you tell Mr. Garabedian that you told your  
25 mother about this three to four years prior?

1 A It would have been more than three or four  
2 years prior. I was in the hospital in 2014,  
3 2015. She found out in 2012 or 2013.

4 Q Did Mr. Garabedian ask you the context in which  
5 you told your mother about your allegations?

6 A I don't believe so.

7 Q In other words, he never asked you, you know,  
8 tell me more about the situation that caused  
9 you to say this to your mother; is that  
10 correct?

11 A I don't believe so.

12 Q When you asked for your file that was  
13 maintained by Mr. Garabedian to be sent to you,  
14 did you actually look through it?

15 A Not completely.

16 Q Did you look through it and see any of  
17 Mr. Garabedian's handwritten notes?

18 A Not to my recollection, but I wouldn't know his  
19 writing.

20 Q Okay.

21 A I'm not a stenographer.

22 Q Well, at any point in time when Mr. Garabedian  
23 asked you about who you had spoke about your  
24 allegations with, did you tell him any other  
25 individuals other than your mother or your

1 prior girlfriend?

2 A No.

3 Q At the time you contacted Mr. Garabedian, did  
4 he ask you if you were currently in a  
5 relationship?

6 A Yes.

7 Q And at the time what did you say?

8 A That I was.

9 Q And was that with Emily?

10 A Yes.

11 Q Was there any contact between Mr. Garabedian  
12 and Emily?

13 A Not to my knowledge.

14 Q Tell me the -- strike that.

15 A Hey, Clifford.

16 Q At any point in time did Mr. Garabedian ask you  
17 about any potential witnesses who would be able  
18 to corroborate your claims?

19 A Not to my recollection.

20 Q Did you ever tell Mr. Garabedian any of the  
21 names of the students that were in your  
22 geometry class?

23 A No. Because, again, I do not remember the  
24 exact people that were in my geometry class  
25 when I was 15 years old.

1 Q You said you don't remember exactly. Do you  
2 remember -- can you name any individual from  
3 memory that was in your geometry class? Is  
4 that a no?

5 A Yeah, no.

6 Q All right. When you spoke with Mr. Garabedian,  
7 did you explain to him anything about the  
8 classroom and what it looked like?

9 A I believe so.

10 Q Did you tell him that -- if there were no  
11 windows in the classroom?

12 A No. There was at least the window in the door.  
13 Again, like I have described before, it was a  
14 very small window. I do not recall there being  
15 windows facing the quad, which was where that  
16 particular classroom would have been, because  
17 right above them was the patio in the upper  
18 school building. So I don't really see how  
19 there would have been windows out of that room.

20 Possibly when you walked in there  
21 might have been windows on the left -- the  
22 front-facing wall that would have looked out  
23 into the parking lot. But I do not recall  
24 windows in that room.

25 Q When you first testified, you were pretty

1 adamant that there were no windows in that  
2 room, correct? Are you now saying there might  
3 be?

4 A Again, 27 years have passed. I'm doing my best  
5 to recall the layout of a school that I have  
6 done everything to forget. I do remember there  
7 being the one window in the door that was very  
8 small but very tall.

9 Q Did Mr. Garabedian ask you about any of the  
10 charges pertaining to the Maryland incident?

11 A I don't believe so.

12 Q Well, when he asked you about your charges, did  
13 you tell him about the Maryland incident?

14 A Possibly. I do not recall the specifics.

15 Q Let's assume that Mr. Garabedian asked you  
16 about your criminal background, because we have  
17 seen reference to the fact that you told him  
18 about your disorderly conduct. So why don't  
19 you tell us, assuming you were being truthful  
20 and honest with Mr. Garabedian, all of the  
21 incidents where you were arrested.

22 MS. DOUGHERTY: Objection. Are you  
23 asking him all the incidents he told  
24 Mr. Garabedian?

25 MR. JUBB: Right. Because

1 Mr. Garabedian asked him what his criminal  
2 history was, and assuming that Mr. Poulos was  
3 going to be complete and truthful, then I would  
4 imagine what he tells us now, that's what he  
5 would have told Mr. Garabedian.

6 MS. DOUGHERTY: Mr. Jubb, you realize  
7 that people don't necessarily have a list with  
8 that regard for whether they intend or don't  
9 intend to be truthful. I was just trying to  
10 confirm that you were asking Mr. Poulos what he  
11 told Mr. Garabedian about the arrests, as  
12 compared to whether you were asking him about  
13 his arrest. That's all.

14 MR. JUBB: I'm asking Mr. Poulos as  
15 to what arrests he believed he relayed to  
16 Mr. Garabedian.

17 THE WITNESS: I don't recall.

18 BY MR. JUBB:

19 Q Well, as you sit here today, what arrests exist  
20 out there for you?

21 A You know the answer, because you have obviously  
22 done your research. I don't have, like, an  
23 Excel spreadsheet of all of my fuck-ups.

24 Q Do you need an Excel spreadsheet to keep track  
25 of all of your F-ups?



1 A No. That was an exaggeration. But, no, I do  
2 not have specifics about --

3 Q Why don't you tell us generally what you can  
4 recall about your arrests, please.

5 A I was never arrested for anything in Maryland.  
6 I was arrested for disorderly conducts a few  
7 times. I was arrested for driving by an  
8 apartment because I frankly had to drive past  
9 the apartment to get to the lakefront to go to  
10 work. And I was arrested for that BS claim  
11 that I tried to entice a girl on American  
12 Online.

13 Q So the arrest for the violation of the PFA,  
14 that was just wrong place at the wrong time,  
15 correct?

16 A Yeah. I'd actually gone to a movie with a  
17 friend, and I was driving down from my  
18 apartment after dropping him off to go down to  
19 McKinley Marina. And the only way I can get  
20 there from where I was living at the time was  
21 to drive down Prospect. Well, when you drive a  
22 straight-pipe Z28 Camaro, it's kind of  
23 noticeable. So she heard me. She called me  
24 in. I went down there, picked up some stuff,  
25 went back home. By the time I was back in the

1 apartment, the cops were knocking on my door.

2 Q And that's the full story on the violation of  
3 the PFA; is that right?

4 A Yeah. I had no contact with her. In fact,  
5 there were multiple occasions where she would  
6 frequent a restaurant and I would be there with  
7 friends and I would leave. And, no, I didn't  
8 tell my friends why I left, but I left, and I  
9 would just be like, "I will meet you at the  
10 next place."

11 Q So the violation of the PFA, that had nothing  
12 to do with you trying to light her car on fire  
13 and scribbling the words C-U-N-T into her door?

14 MS. DOUGHERTY: Objection.

15 THE WITNESS: I never --

16 BY MR. JUBB:

17 Q That never happened?

18 A I never did it.

19 Q What about Maryland? You said you weren't  
20 arrested there, but you were charged with  
21 something there, correct?

22 MS. DOUGHERTY: Objection.

23 THE WITNESS: Why is this relevant?

24 You just want to, like, drag me through the  
25 mud?

1 BY MR. JUBB:

2 Q I'm trying to understand when Mr. Garabedian  
3 asked you what your arrests were, what you were  
4 charged with, what --

5 A Why keep -- now you're just browbeating this.

6 Q Mr. Poulos, if you tell me all of these things,  
7 then I'm trying to figure out if you told  
8 Mr. Garabedian that. So did you tell

9 Mr. Garabedian about the violation of the PFA?

10 A Possibly. Again, asked and answered. I don't  
11 recall every innuendo or everything I stated in  
12 that conversation. I don't.

13 Q Okay. And that's why I'm having to get  
14 specific, because you say you don't recall  
15 everything. So I'm trying to refresh your  
16 recollection based off of --

17 A No, you're trying to victim shame me by  
18 bringing up my bad past.

19 Q Mr. Poulos, I have no intention of victim  
20 shaming anybody, because I do not consider you  
21 a victim. So why don't you focus on answering  
22 my questions, okay? We will get through this  
23 together.

24 MS. DOUGHERTY: Objection.

25 BY MR. JUBB:

1 Q So did you ever tell Mr. Garabedian that you  
2 were arrested for enticing a minor before he  
3 learned from getting a criminal background  
4 check?

5 A I'm just going to tell you right now, this is  
6 over. You can file a motion or do whatever you  
7 want to do, but I'm not going to rehash every  
8 wrongdoing of my life that I may or may not  
9 have told Mitchell. I'm just not going to. If  
10 you want the court to compel me, you have the  
11 information of what I did and did not do wrong.

12 Q I'm trying to understand whether you told  
13 Mr. Garabedian and at what point. That's my  
14 only attempt here, okay? And --

15 MS. DOUGHERTY: Objection. Mr. Jubb,  
16 some of your questions are not about what was  
17 or wasn't discussed with Mr. Garabedian. So  
18 perhaps it's part of the confusion.

19 MR. JUBB: It's not part of the  
20 confusion.

21 MS. DOUGHERTY: You do seem to be --  
22 I don't know why you're interrupting me. I  
23 don't know why you're talking over me. You  
24 really have --

25 MR. JUBB: And what you're saying is

1 just -- it doesn't make any sense at all.

2 MS. DOUGHERTY: Mr. Jubb, you don't  
3 get to just talk over me because you have an  
4 opinion about the substance of what I'm saying.

5 MR. JUBB: Please continue.

6 MS. DOUGHERTY: You are absolutely  
7 asking Mr. Poulos about the substance of  
8 arrest, which I think you realize are not  
9 admissible. So I do think there is perhaps  
10 some confusion, because you're saying you're  
11 asking only about the stuff with  
12 Mr. Garabedian, but a lot of your questions are  
13 about the substance of the criminal background.  
14 So I think you do need to limit your questions  
15 to the discussions or reasonably therefrom.

16 MR. JUBB: Are you done?

17 MS. DOUGHERTY: I think you know that  
18 I'm done, Mr. Jubb. And being rude and  
19 unprofessional to me doesn't suit you.

20 BY MR. JUBB:

21 Q Okay. So, Mr. Poulos, I want to know what you  
22 told Mr. Garabedian, and you can't recall it as  
23 to which arrest, convictions, charges you  
24 mentioned to him. I'm trying to get an  
25 understanding as to how many there are so that

1 I can then say, "Did you tell Mr. Garabedian  
2 that? Did he have any follow-up questions?"  
3 That's where we're going with this, okay?

4 A You already know the answer to every arrest,  
5 conviction; I don't.

6 Q Did you tell Mr. Garabedian that you had been  
7 in any sort of altercation with your domestic  
8 partner at one point?

9 A Possibly.

10 Q When do you think that would have occurred?

11 A I would imagine during the intake interview.

12 Q Did you ever discuss with Mr. Garabedian the  
13 charges that were filed against you in Maryland  
14 at any point?

15 A Not to my recollection.

16 Q Is there any particular reason why you wouldn't  
17 have told Mr. Garabedian that when in the  
18 interview process he's asking you about  
19 charges, convictions, and arrests?

20 MS. DOUGHERTY: Objection.

21 THE WITNESS: Again, I don't see how  
22 this is relevant. So, no.

23 BY MR. JUBB:

24 Q So, no, you didn't tell him about it?

25 A No, I do not believe so. Next question.

1 Q Did Mr. Garabedian ever give you any indication  
2 about the potential merits of claims against  
3 The Hill School?

4 MS. DOUGHERTY: Objection.

5 THE WITNESS: No. Because any of my  
6 behavior, except for what happened at that  
7 school, is irrelevant. Your client, that's who  
8 knew about it, they did nothing.

9 BY MR. JUBB:

10 Q Have you finished your answer?

11 A Yeah, go ahead.

12 Q Did Mr. Garabedian give you any indication  
13 about potential merits of your claim against  
14 The Hill School?

15 A No. Because as your paid psychiatrist, my  
16 psychiatrist have both determined I suffered  
17 severe PTSD, anxiety, and trust issues due to  
18 something that happened to me while I was being  
19 abused by your client and your client's school.

20 Q Perhaps you're not hearing my question  
21 correctly. My question was did Mr. Garabedian  
22 ever advise you or give you any indication  
23 about the potential merits of a claim against  
24 The Hill School?

25 A No --

1 MS. DOUGHERTY: Objection.

2 THE WITNESS: -- because I'm telling  
3 the truth.

4 BY MR. JUBB:

5 Q Okay. I have no idea what that means. Did  
6 Mr. Garabedian ever give you any --

7 A Don't know what that means? I'm telling the  
8 truth. The truth is the truth.

9 MS. DOUGHERTY: Mr. Poulos, I don't  
10 think you're listening to Mr. Jubb's question.

11 BY MR. JUBB:

12 Q It's nonsensical. So, Mr. Poulos, please pay  
13 attention because Ms. Dougherty and I both want  
14 an answer to this question, okay?

15 Did Mr. Garabedian ever give you any  
16 indication as to the potential merits of a  
17 lawsuit filed by you against The Hill School?

18 MS. DOUGHERTY: Objection.

19 THE WITNESS: No.

20 BY MR. JUBB:

21 Q No. Okay. Did he ever give you any indication  
22 about the potential likelihood of success of a  
23 lawsuit filed against The Hill School?

24 MS. DOUGHERTY: Objection.

25 THE WITNESS: Nothing in specifics.



1 BY MR. JUBB:

2 Q Anything general?

3 A That this was not going to be an easy road to  
4 walk down.

5 Q Is that because your case was barred entirely  
6 by the statute of limitations?

7 A No. Because these things do not just go away.  
8 It's a long road. It's an arduous road, and  
9 it's taking a toll on me and my family.

10 Q Did Mr. Garabedian ever give you any indication  
11 as to the potential likelihood of success?

12 MS. DOUGHERTY: Objection.

13 THE WITNESS: Not in specifics.

14 BY MR. JUBB:

15 Q Did he ever say to you, well, you know, I think  
16 you've got a 50 percent chance or 40 percent  
17 chace, anything along those lines?

18 MS. DOUGHERTY: Objection.

19 THE WITNESS: Asked and answered.  
20 Not in specifics.

21 BY MR. JUBB:

22 Q Did he say to you, "More likely than not I  
23 think you're going to be successful"?

24 MS. DOUGHERTY: Objection.

25 THE WITNESS: Again, asked and

1           answered. Not in specifics.

2       BY MR. JUBB:

3       Q     I'm trying to be as general as possible, okay?

4           I don't want specifics, because you said you  
5           can't recall anything specifically. He didn't  
6           give you anything specifically. So I'm trying  
7           to be general.

8                       In any way, shape, or form -- in any  
9           way, shape, or form did Mitchell Garabedian  
10          provide you with any indication as to the  
11          potential likelihood for success of a potential  
12          case against The Hill School?

13                       MS. DOUGHERTY: Objection.

14                       THE WITNESS: No.

15       BY MR. JUBB:

16       Q     Okay. Now, did Mr. Garabedian tell you whether  
17           or not he was barred in Pennsylvania?

18       A     No.

19       Q     Where did he say any potential case could have  
20           been brought?

21                       MS. DOUGHERTY: Objection.

22                       THE WITNESS: I don't recall.

23       BY MR. JUBB:

24       Q     Did he tell you that he was going to be working  
25           with some attorney in Pennsylvania?

1 MS. DOUGHERTY: Objection.

2 THE WITNESS: Not to my recollection.

3 BY MR. JUBB:

4 Q Did you believe that Mr. Garabedian was barred  
5 in Pennsylvania?

6 MS. DOUGHERTY: Objection.

7 THE WITNESS: Asked and answered. I  
8 just told you I did not that know he was barred  
9 from practicing law in the state of  
10 Pennsylvania.

11 BY MR. JUBB:

12 Q I need to clarify that. Did you know whether  
13 or not he was admitted to practice law by the  
14 Supreme Court of Pennsylvania?

15 A I did not.

16 Q Do you have any knowledge whatsoever as to  
17 whether or not Mr. Garabedian was admitted to  
18 practice law in Pennsylvania?

19 A I didn't know the specifics. I took advice  
20 from family.

21 Q When you told Mr. Garabedian about, you know,  
22 what your allegations were with respect to the  
23 sexual abuse and you laid it out for him in the  
24 manner in which you testified previously in  
25 your deposition that Ms. Dougherty had taken

1           you through, and when he heard all that, did he  
2           give you any indication that that made sense to  
3           him or that he found it credible at all?

4     A     Reask the question.

5     Q     Sure. Am I correct that the allegations of  
6           sexual abuse that you described previously in  
7           your depositions, the manner in which they  
8           would occur according to your testimony, that  
9           that is what you told Mr. Garabedian during  
10          your discussion with him?

11    A     Correct.

12    Q     Okay. And when you told him about that, did he  
13          give you any indication as to whether or not he  
14          said that makes sense or this is credible,  
15          anything along those lines?

16    A     He said he trusted in my truth, basically, not  
17          verbatim, but --

18    Q     When you say he trusted in your truth, what do  
19          you mean by your truth?

20    A     The truth of the situation, the truth of what  
21          happened.

22    Q     In other words, when you told him your story  
23          about how this occurred, Mr. Garabedian said to  
24          you in sum and substance, yeah, I believe you  
25          and this makes sense?

1 MS. DOUGHERTY: Objection.

2 THE WITNESS: Correct.

3 BY MR. JUBB:

4 Q Did you tell Mr. Garabedian that you left The  
5 Hill School for your junior year of high  
6 school?

7 A Yes.

8 Q Did you tell him that you then returned to The  
9 Hill School?

10 A Yes.

11 Q Did he ever ask you, hey, Kurtis, why did you  
12 come back to The Hill School after you were,  
13 you know, reportedly getting sexually abused?

14 A I don't recall.

15 Q You don't recall whether or not he asked you  
16 that question?

17 A I don't remember if he asked me specifically  
18 why I went back there my senior year.

19 Q Did he ever question, in any way that you can  
20 recall, why you returned to The Hill School?

21 A No.

22 Q At any point in time are you aware as to  
23 whether or not you or your mother provided the  
24 yearbooks to Mr. Garabedian? I know you said  
25 you never maintained them -- let me back up.

1 I'll just clarify. Strike that.

2 Was it ever your understanding that  
3 your mom was able to obtain your yearbooks?

4 A I know she has obtained them.

5 Q Okay. At some point did you learn that she  
6 provided them to Mr. Garabedian?

7 A I'm not aware of her providing them. I am  
8 aware --

9 Q In other words, as far as you know,  
10 Mr. Garabedian has never requested those --

11 MS. DOUGHERTY: You just talked over  
12 the rest of his answer.

13 MR. JUBB: I'm sorry. I had my head  
14 down. Go ahead.

15 THE WITNESS: I know that she offered  
16 to provide them. I don't know whether he  
17 received them. I don't ask questions that I  
18 don't care about.

19 BY MR. JUBB:

20 Q Okay. You weren't concerned as to whether or  
21 not the lawyer who was going to -- that you  
22 contacted with a claim of sexual abuse had your  
23 yearbooks?

24 MS. DOUGHERTY: Objection.

25 THE WITNESS: No.

1 BY MR. JUBB:

2 Q As far as the statute of limitation goes, did  
3 Mr. Garabedian explain to you the difference  
4 between civil and criminal?

5 A I already knew the difference between civil and  
6 criminal.

7 Q Am I correct that at the time you contacted  
8 Mr. Garabedian you were well aware of what the  
9 difference was between criminal and civil  
10 statute of limitations?

11 A Correct.

12 Q And at the time you contacted Mr. Garabedian,  
13 you were aware that the statute of limitations  
14 of any potential civil case against The Hill  
15 School and/or Matt Ralston had expired,  
16 correct?

17 A Correct. Again, I reached out because this was  
18 something that the school reached out to us as  
19 alumnus and they wanted a resolution.

20 Q I see.

21 A You have seen the letter. It's pretty black  
22 and white. It's not like I called the school  
23 and said, "Oh, this shit happened." This  
24 school kept emailing alumni saying we know this  
25 happened. Let's make some sort of restitution

1 for this situation.

2 Q What sort of efforts did you take part in to  
3 cooperate in any sort of investigation that the  
4 school was doing?

5 A Initially I was going to call the counselors  
6 who turned out to be lawyers, and I was going  
7 to talk to the school. When I found out they  
8 were attorneys, I took my family's advice and  
9 did not reach out to the school because it was  
10 a manipulation by your client, The Hill School.

11 Q Mr. Poulos, you keep saying that. You know I  
12 don't represent The Hill School, okay? So  
13 let's just be clear on that.

14 A Who is paying your bills?

15 Q In any event -- in any event, did -- am I  
16 correct you have not cooperated in any sort of  
17 investigation being conducted by The Hill  
18 School?

19 MS. DOUGHERTY: Objection.

20 THE WITNESS: Correct.

21 BY MR. JUBB:

22 Q At any point in time did you sit down -- strike  
23 that.

24 At any point in time did  
25 Mr. Garabedian, to your knowledge, ever review



1 your medical records?

2 MS. DOUGHERTY: Objection.

3 THE WITNESS: I have no knowledge. I  
4 would have no knowledge.

5 BY MR. JUBB:

6 Q I don't know if maybe he had contacted you and  
7 said, you know, "I got your medical records. I  
8 looked through them. I have a couple of  
9 questions," or anything like that. As far as  
10 you know you don't recall ever speaking with  
11 Mr. Garabedian about what was in your medical  
12 records; is that fair?

13 A Nothing specifically.

14 Q Is there anything general that you can recall  
15 about speaking with Mr. Garabedian as it  
16 pertained to your medical records?

17 A No. He asked for a waiver. I gave him the  
18 waiver.

19 Q At what -- strike that.

20 Did Mr. Garabedian ever ask you about  
21 when you began heavily drinking?

22 MS. DOUGHERTY: Objection.

23 THE WITNESS: Not to my knowledge.

24 BY MR. JUBB:

25 Q Did Mr. Garabedian ever have any knowledge of

1 any indication of a self-inflicted injury to  
2 you?

3 MS. DOUGHERTY: Objection. How could  
4 he know what Mr. Garabedian knew?

5 MR. JUBB: If he told Mr. Garabedian.

6 MS. DOUGHERTY: Yeah, that wasn't  
7 your question.

8 THE WITNESS: Yeah.

9 MS. DOUGHERTY: You asked whether  
10 Mr. Garabedian ever had any knowledge. Well,  
11 ask him if he told him or asked or something,  
12 not what Mr. Garabedian's knowledge was.

13 BY MR. JUBB:

14 Q Mr. Poulos, at any point in time did you give  
15 Mr. Garabedian any indication that there was  
16 ever any issue of you self-harming yourself?

17 A Possibly.

18 Q Okay. Tell me about that.

19 A Which time do you want to know that I hurt  
20 myself?

21 MS. DOUGHERTY: Objection. He's  
22 asking what you told Mr. Garabedian.

23 THE WITNESS: No, he doesn't really  
24 seem to want to know that.

25 MS. DOUGHERTY: That was his

1 question, and that's what he's allowed to ask  
2 you.

3 BY MR. JUBB:

4 Q I want to know all the instances that you told  
5 Mr. Garabedian that you had a self-inflicted  
6 injury.

7 A I only spoke to him about it once.

8 Q And what did you tell him about that?

9 A That it was the dumbest thing I could have  
10 done.

11 Q Did it have to do with your girlfriend at the  
12 time?

13 A No.

14 Q Did you and Mr. Garabedian ever discuss the  
15 details of the relationship between you and  
16 your mother?

17 A Possibly.

18 Q Did you ever tell Mr. Garabedian that she was a  
19 former lawyer?

20 A She was the one who found him. So, yes, he  
21 already knew that.

22 Q Did you tell Mr. Garabedian that she was  
23 providing you with any sort of financial  
24 assistance?

25 A I mean, a couple bucks here and there, but

1 nothing crazy.

2 Q Did you ever give Mr. Garabedian any indication  
3 that your mother was in any way oppressive to  
4 you?

5 A Oppressive? No, not in the least.

6 Q At some point after your conversation with  
7 Mr. Garabedian -- strike that.

8 At any point in your conversation  
9 with Mr. Garabedian did he ask you about  
10 whether or not you had obtained any sort of  
11 psychiatric or mental health therapy?

12 A Yes.

13 Q And what did you tell him?

14 A That I had.

15 Q And what mental health therapy had you received  
16 prior to contacting Mr. Garabedian that you  
17 told him about?

18 A I was treated for severe anxiety, depression,  
19 and PTSD when I was 21 or 22 and trying to  
20 live.

21 Q Where did that occur?

22 A Milwaukee.

23 Q Who is the therapist?

24 A I honestly don't remember his name. He was a  
25 family friend. I believe you already know who

1 he is.

2 Q Any other therapy you told him that you had?

3 A I had to see a shrink when my parents were  
4 trying to fight over where I would live.

5 Q Did you tell Mr. Garabedian about any therapy  
6 you had to go -- undergo as part of any sort of  
7 court order?

8 A I don't believe so.

9 Q Did you have to undergo therapy as part of a  
10 court order?

11 A Yes, and you already know that.

12 Q Have you ever been diagnosed with any sort of  
13 bipolar condition that you --

14 MS. DOUGHERTY: Object.

15 BY MR. JUBB:

16 Q -- that you relayed to Mr. Garabedian?

17 A No, I did not.

18 Q Did he ask you whether or not you had been  
19 diagnosed with any particular conditions?

20 A I don't believe so.

21 Q Did you tell Mr. Garabedian that he would be  
22 able to speak with your mom whenever he would  
23 like?

24 A Yes.

25 THE COURT REPORTER: Hey, can we

1 take, like, five minutes really quick? I just  
2 spilled my coffee everywhere.

3 MR. JUBB: Yeah, let's take five or  
4 whatever you need to clean that up.

5 THE VIDEOGRAPHER: Going off the  
6 record at 10:26 a.m.

7 (Brief recess taken.)

8 THE VIDEOGRAPHER: We're back on the  
9 record at 10:49 a.m.

10 MR. JUBB: Yes, during the break we  
11 experienced a completely unforeseeable event,  
12 and we are no longer able to transcribe the  
13 deposition. And so all counsel and parties  
14 have agreed that this deposition will reconvene  
15 on May 27th at 12:00 p.m., Eastern Time, 11:00  
16 a.m. Central Time, and the parties have agreed  
17 that are no conflicts on their calendar that  
18 day and the deposition will reconvene then.  
19 Everybody has agreed to give their best efforts  
20 to extend some of the deadlines a couple of  
21 weeks to make sure we can accommodate this  
22 request. Is that agreeable with you  
23 Ms. Dougherty?

24 MS. DOUGHERTY: It is.

25 MR. JUBB: And that's agreeable with

Kurtis Poulos

1           you as well, Mr. Poulos, correct?

2                       THE WITNESS:   Yeah.

3                       MR. JUBB:    Okay.  I appreciate  
4           everyone's time, and, Ali, I'm sorry this  
5           happened.

6                       THE COURT REPORTER:  I'm sorry.

7                       MR. JUBB:    It's okay.  It happens.

8                       THE WITNESS:  Clifford, do you agree?  
9           He doesn't agree.

10                      MS. DOUGHERTY:  He's not amused.

11                      THE VIDEOGRAPHER:  Did you want to go  
12           off the record then, counsel?

13                      MS. DOUGHERTY:  Yes, I think we are  
14           finished.

15                      THE VIDEOGRAPHER:  Going off the  
16           record at 10:51 a.m.

17                      (Proceedings concluded at 10:51 a.m.)

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KURTIS POULOS

1 STATE OF WISCONSIN )

) SS:

2 COUNTY OF MILWAUKEE )

3

4

5 I, ALI KORNBURGER, Notary Public in and  
6 for the State of Wisconsin, do hereby certify that  
7 the above deposition of KURTIS POULOS was recorded  
8 by me on April 22, 2021, and reduced to writing  
9 under my personal direction.

10 I further certify that I am not a  
11 relative or employee or attorney or counsel of any  
12 of the parties, or a relative or employee of such  
13 attorney or counsel, or financially interested  
14 directly or indirectly in this action.

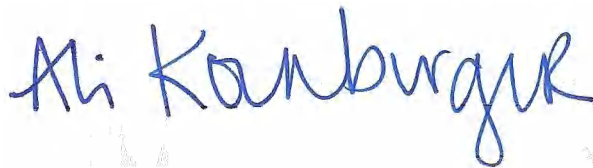
15 In witness whereof I have hereunder set  
16 my hand and affixed my seal of office at Milwaukee,  
17 Wisconsin, this 29th day of April, 2021.

18

19

20

21



---

Notary Public

22

In and for the State of Wisconsin

23

24

My Commission Expires: February 22, 2024.

25



IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT  
OF PENNSYLVANIA

\* \* \* \* \*

JOHN DOE,

\*

Plaintiff

\* Case No.

vs.

\* 2:19-cv-01539

MITCHELL GARABEDIAN,

\*

ESQ. d/b/a, LAW OFFICES \*

OF MITCHELL GARABEDIAN \*

and KURTIS N. POULOS, \*

Defendants

\*

\* \* \* \* \*

DEPOSITION OF  
MATTHEW B. RALSTON  
September 20, 2021

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<div>Page 2</div> <div>DEPOSITION</div> <div>OF</div> <div>MATTHEW B. RALSTON, taken on behalf of the Defendant, Mitchell Garabedian, Esq. herein, pursuant to the Rules of Civil Procedure, taken before me, the undersigned, Jennifer Corb, a Court Reporter and Notary Public in and for the Commonwealth of Pennsylvania, at the law offices of Swartz Campbell, LLC, One Liberty Place, 1650 Market Street, 38th Floor, Philadelphia, Pennsylvania, on Monday, September 20, 2021, beginning at 10:10 a.m.</div>										<div>Page 3</div> <div>A P P E A R A N C E S</div> <div>LANE R. JUBB, JR., ESQUIRE</div> <div>The Beasley Firm, LLC</div> <div>1125 Walnut Street</div> <div>Philadelphia, PA 19107</div> <div>COUNSEL FOR PLAINTIFF</div> <div>CANDIDUS K. DOUGHERTY, ESQUIRE</div> <div>CARYN STEIGER, ESQUIRE</div> <div>JEFFREY B. MCCARRON, ESQUIRE</div> <div>CHRISTOPHER YU, ESQUIRE</div> <div>Swartz Campbell, LLC</div> <div>One Liberty Place</div> <div>1650 Market Place</div> <div>38th Floor</div> <div>Philadelphia, PA 19103</div> <div>COUNSEL FOR DEFENDANT, MITCHELL GARABEDIAN, ESQ.</div> <div>KURTIS N. POULOS, PRO SE</div>																																																									
<div>Page 4</div> <div>I N D E X</div> <div>DISCUSSION AMONG PARTIES 7 - 8</div> <div>WITNESS: MATTHEW B. RALSTON</div> <div>EXAMINATION</div> <div>By Attorney Dougherty 9 - 248</div> <div>EXAMINATION</div> <div>By Mr. Poulos 250 - 263</div> <div>RE-EXAMINATION</div> <div>By Attorney Dougherty 263 - 270</div> <div>DISCUSSION AMONG PARTIES 270 - 271</div> <div>CERTIFICATE 272</div>										<div>Page 5</div> <div>EXHIBIT PAGE</div> <table><thead><tr><th></th><th></th><th>PAGE</th></tr><tr><th>NUMBER</th><th>DESCRIPTION</th><th>IDENTIFIED</th></tr></thead><tbody><tr><td>D-21</td><td>4/8/16 Appointment Letter</td><td>40</td></tr><tr><td>D-22</td><td>4/11/16 Email</td><td>49</td></tr><tr><td>D-23</td><td>6/19/17 Appointment Letter</td><td>52</td></tr><tr><td>D-24</td><td>Performance Evaluation</td><td></td></tr><tr><td></td><td>'16-'17</td><td>67</td></tr><tr><td>D-25</td><td>Performance Evaluation</td><td></td></tr><tr><td></td><td>'17-'18</td><td>76</td></tr><tr><td>D-26</td><td>4/18/19 Email</td><td>137</td></tr><tr><td>D-27</td><td>5/6 to 5/7/19 Emails</td><td>142</td></tr><tr><td>D-28</td><td>9/4/15 Medical Office Note</td><td>230</td></tr><tr><td>D-29</td><td>2/4/16 Medical Office Note</td><td>236</td></tr><tr><td>D-30</td><td>Résumé 1</td><td>265</td></tr><tr><td>D-31</td><td>Résumé 2</td><td>267</td></tr><tr><td>D-32</td><td>Texts</td><td>269</td></tr></tbody></table>												PAGE	NUMBER	DESCRIPTION	IDENTIFIED	D-21	4/8/16 Appointment Letter	40	D-22	4/11/16 Email	49	D-23	6/19/17 Appointment Letter	52	D-24	Performance Evaluation			'16-'17	67	D-25	Performance Evaluation			'17-'18	76	D-26	4/18/19 Email	137	D-27	5/6 to 5/7/19 Emails	142	D-28	9/4/15 Medical Office Note	230	D-29	2/4/16 Medical Office Note	236	D-30	Résumé 1	265	D-31	Résumé 2	267	D-32	Texts	269
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<p style="text-align: right;">Page 6</p> <p style="text-align: center;">OBJECTION PAGE</p> <p>1</p> <p>2</p> <p>3 ATTORNEY PAGE</p> <p>4 Jubb 11, 18, 18, 21, 23, 23, 23, 24, 24, 25, 26, 27,</p> <p>5 27, 28, 29, 29, 29, 32, 33, 33, 34, 34, 35, 35, 36, 38,</p> <p>6 39, 39, 47, 48, 51, 64, 66, 69, 84, 89, 90, 91, 92, 92,</p> <p>7 93, 93, 95, 96, 97, 97, 99, 99, 101, 101, 102, 102,</p> <p>8 103, 104, 105, 105, 115, 116, 116, 119, 122, 127, 129,</p> <p>9 129, 130, 131, 132, 132, 139, 139, 139, 141, 145, 150,</p> <p>10 151, 151, 154, 157, 159, 161, 161, 162, 162, 168, 169,</p> <p>11 169, 170, 170, 171, 177, 178, 183, 184, 188, 210, 211,</p> <p>12 212, 212, 213, 214, 227, 251, 251, 251, 256, 257, 258,</p> <p>13 258, 258, 259, 260, 261, 262, 262, 263</p> <p>14</p> <p>15 Dougherty 263</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 7</p> <p style="text-align: center;">S T I P U L A T I O N</p> <p>1</p> <p>2 -----</p> <p>3 (It is hereby stipulated and agreed by and between</p> <p>4 counsel for the respective parties that reading,</p> <p>5 signing, sealing, certification and filing are</p> <p>6 waived.)</p> <p>7 -----</p> <p>8 P R O C E E D I N G S</p> <p>9 -----</p> <p>10 VIDEOGRAPHER:</p> <p>11 All right. Good morning. We are now on</p> <p>12 the record. My name is Rick Christian. I'm a</p> <p>13 videographer retained by US Legal. Today's date is</p> <p>14 September 20th, 2021. And the video time is 10:10</p> <p>15 a.m. This deposition is being held at Schwartz</p> <p>16 Campbell in the matter of John Doe versus Mitchell</p> <p>17 Garabedian, Esquire. The deponent is John Doe. The</p> <p>18 court reporter is Jennifer Corbs (sic). Sorry. Will</p> <p>19 counsel please introduce themselves for the record?</p> <p>20 ATTORNEY JUBB:</p> <p>21 Good morning. Lane Jubb with the</p> <p>22 Beasley Firm for Plaintiff.</p> <p>23 ATTORNEY DOUGHERTY:</p> <p>24 Candidus Dougherty from Schwartz</p> <p>25 Campbell on behalf of Mitchell Garabedian. I see that</p>
<p style="text-align: right;">Page 8</p> <p>1 Jeff McCarron also represents Mitchell Garabedian and</p> <p>2 he is now logged in via Zoom. Is there anybody else?</p> <p>3 ATTORNEY JUBB:</p> <p>4 No, that's just ---.</p> <p>5 ATTORNEY DOUGHERTY:</p> <p>6 Oh, okay. I see the top is --- and</p> <p>7 Caryn Steiger is also here in the room and represents</p> <p>8 Mitchell Garabedian.</p> <p>9 ATTORNEY JUBB:</p> <p>10 Do you want to just also want to throw</p> <p>11 something on there? You sent Poulos the link for this</p> <p>12 and he's not ---</p> <p>13 ATTORNEY STEIGER:</p> <p>14 I did send him the link, yes.</p> <p>15 ATTORNEY JUBB:</p> <p>16 And to be clear, Defendant Poulos was</p> <p>17 sent a link to the Zoom conference and it's now 10:11</p> <p>18 and he's not here nor is anyone on his behalf.</p> <p>19 VIDEOGRAPHER:</p> <p>20 All right. And the court reporter is</p> <p>21 Jennifer Corbs and will now swear in the witness.</p> <p>22 ----</p> <p>23 MATTHEW B. RALSTON,</p> <p>24 CALLED AS A WITNESS IN THE FOLLOWING PROCEEDING, AND</p> <p>25 HAVING FIRST BEEN DULY SWORN, TESTIFIED AND SAID AS</p>	<p style="text-align: right;">Page 9</p> <p>1 FOLLOWS:</p> <p>2 ---</p> <p>3 EXAMINATION</p> <p>4 ---</p> <p>5 BY ATTORNEY DOUGHERTY:</p> <p>6 Q.Are you currently working?</p> <p>7 A.No.</p> <p>8 Q.When was the last time you worked?</p> <p>9 A.October --- the last time I was employed was</p> <p>10 October of 2020 --- 2019, I'm sorry.</p> <p>11 Q.That was with the Hill School?</p> <p>12 A.It was.</p> <p>13 Q.What day did your employment with the Hill School</p> <p>14 end?</p> <p>15 A.I was placed on leave in May of 2019. I believe</p> <p>16 my last pay was in early October, 2019.</p> <p>17 Q.And how do you characterize the end of your</p> <p>18 employment with the Hill School?</p> <p>19 A.Can you ---?</p> <p>20 Q.Sure. Did you resign, were you fired, something</p> <p>21 else?</p> <p>22 A.I was placed on leave and then, my employment was</p> <p>23 discontinued when that leave ended.</p> <p>24 Q.Did you have a --- let me start again.</p> <p>25 Did you have an employment contract with the Hill</p>

<p style="text-align: right;">Page 10</p> <p>1 School?</p> <p>2 A.It was an annual appointment.</p> <p>3 Q.Did your appointment end in October 2019?</p> <p>4 A.Typically, my understanding of the appointments</p> <p>5 is that they run July 1 through June 30.</p> <p>6 Q.Okay.</p> <p>7 So, you were reappointed July 1, 2019?</p> <p>8 A.I did not get a new appointment letter at that</p> <p>9 point. I can only guess why so I can't answer why I</p> <p>10 didn't. I was on leave, paid administrative leave at</p> <p>11 that point.</p> <p>12 Q.So, when you rejoined the Hill School, you told</p> <p>13 us before, in 2016.</p> <p>14 Is that right?</p> <p>15 A.Correct.</p> <p>16 Q.So, you rejoined the Hill School in 2016. And</p> <p>17 then, did you receive an appointment letter each year?</p> <p>18 A.I received a letter that confirmed what my salary</p> <p>19 would be for the next year. And I've always taken</p> <p>20 that to be an appointment letter.</p> <p>21 Q.And so, you received an appointment letter when</p> <p>22 you were first rehired by the Hill School in 2016 and</p> <p>23 then, you received another one in 2017, you said in</p> <p>24 July of 2017?</p> <p>25 A.Yes.</p>	<p style="text-align: right;">Page 11</p> <p>1 Q.And in 2018 but not in 2019.</p> <p>2 Is that right?</p> <p>3 A.Correct.</p> <p>4 Q.Was there a specific time of the year that you</p> <p>5 received the appointment letters?</p> <p>6 A.Generally, in July or perhaps the end of June.</p> <p>7 Q.Did you have any type of evaluation of your job</p> <p>8 performance?</p> <p>9 A.Yes.</p> <p>10 Q.When did that occur?</p> <p>11 A.Prior to the letter coming out so it would have,</p> <p>12 generally, been in June.</p> <p>13 Q.So, in June 2017, you had an evaluation and then,</p> <p>14 you received the new appointment letter for 2017 to</p> <p>15 2018.</p> <p>16 A.Yes.</p> <p>17 Q.And then, in June 2018, you had an evaluation and</p> <p>18 received a new appointment letter 2018 to --- or 2017</p> <p>19 to 2018.</p> <p>20 Is that right?</p> <p>21 ATTORNEY JUBB:</p> <p>22 Objection to form. Sorry. Just make</p> <p>23 sure you let her finish the question, too.</p> <p>24 THE WITNESS:</p> <p>25 Yes.</p>
<p style="text-align: right;">Page 12</p> <p>1 ATTORNEY DOUGHERTY:</p> <p>2 Well, I think I might have confused ---.</p> <p>3 ATTORNEY JUBB:</p> <p>4 I got lost there, too.</p> <p>5 ATTORNEY DOUGHERTY:</p> <p>6 Yeah. I think I confused myself with</p> <p>7 the dates. So, let's just do them one at a time.</p> <p>8 Sorry.</p> <p>9 BY ATTORNEY DOUGHERTY:</p> <p>10 Q.So, you received an evaluation of your</p> <p>11 performance in June 2017.</p> <p>12 Is that right?</p> <p>13 A.Yes.</p> <p>14 Q.And then, you received a new appointment letter</p> <p>15 thereafter?</p> <p>16 A.Yes.</p> <p>17 Q.Then, you had an evaluation in June 2018.</p> <p>18 Is that right?</p> <p>19 A.Yes.</p> <p>20 Q.And you received a new appointment thereafter?</p> <p>21 A.Yes.</p> <p>22 Q.Did you have an evaluation of your job</p> <p>23 performance in June 2019?</p> <p>24 A.No.</p> <p>25 Q.When was the last review of your job performance</p>	<p style="text-align: right;">Page 13</p> <p>1 that you had at the Hill School?</p> <p>2 A.It would have been 2018.</p> <p>3 Q.How did the evaluation process work? Again,</p> <p>4 let's just stick with the second time you were</p> <p>5 employed at the Hill School.</p> <p>6 A.There was a self-evaluation part that was turned</p> <p>7 in to my supervisor. And then, there was the part he</p> <p>8 did and then, we reviewed the two together, set goals</p> <p>9 for the following year.</p> <p>10 Q.So, there was a part you did and a part your</p> <p>11 supervisor did. Did you receive a copy of the part</p> <p>12 that the supervisor filled in?</p> <p>13 A.Yes.</p> <p>14 Q.Did you have a meeting of some kind with your</p> <p>15 supervisor to discuss the evaluation?</p> <p>16 A.Yes.</p> <p>17 Q.Who was the supervisor at the time?</p> <p>18 A. Geoff Neese, G-E-O-F N-E-E-S-E.</p> <p>19 Q.So, you had a meeting with Geoff Neese in June</p> <p>20 2017 to evaluate your job performance.</p> <p>21 Is that right?</p> <p>22 A.Yes.</p> <p>23 Q.Did you meet in person or over Zoom or telephone,</p> <p>24 some other method?</p> <p>25 A.I don't recall. It could have been either. It</p>

<p style="text-align: right;">Page 14</p> <p>1 would not have been Zoom. It would have been either a</p> <p>2 meeting with him or it would have been by phone.</p> <p>3 Q.Did the meeting --- again, let's just stick with</p> <p>4 June 2017. Did the meeting with Geoff Neese to</p> <p>5 evaluate your performance occur before or after you</p> <p>6 and he filled out the written evaluation?</p> <p>7 A.After.</p> <p>8 Q.Did you have a meeting with Geoff Neese in June</p> <p>9 2018 to discuss your job performance?</p> <p>10 A.I did.</p> <p>11 Q.Was it similar that you filled out a self-</p> <p>12 evaluation, he filled out a portion of the evaluation</p> <p>13 and then, you and Mr. Neese met to discuss your job</p> <p>14 performance from July 1, 2017 to June 30, 2018?</p> <p>15 A.Yes.</p> <p>16 Q.How did you learn that you were on administrative</p> <p>17 leave?</p> <p>18 A.From my attorney.</p> <p>19 Q.Did your attorney provide you any documentation</p> <p>20 from the Hill School regarding your leave?</p> <p>21 A.It would have been a description of what it meant</p> <p>22 to be on paid administrative leave.</p> <p>23 Q.What have you done with your time since October</p> <p>24 2019?</p> <p>25 A.I beg your pardon?</p>	<p style="text-align: right;">Page 15</p> <p>1 Q.What have you done with your time since October</p> <p>2 2019?</p> <p>3 A.Wow. I walk a lot. I read a lot. I work out a</p> <p>4 lot. And I renewed an interest in cooking.</p> <p>5 Q.So, you've had no employment of any kind since</p> <p>6 October 2019.</p> <p>7 Correct?</p> <p>8 A.Correct.</p> <p>9 Q.What efforts have you made to look for employment</p> <p>10 since --- well, let me start again.</p> <p>11 Have you looked for employment since you stopped</p> <p>12 working at the Hill School in October 2019?</p> <p>13 A.I looked for work through part of the summer.</p> <p>14 Prior to that, no.</p> <p>15 ATTORNEY JUBB:</p> <p>16 Did you say this summer or last summer?</p> <p>17 THE WITNESS:</p> <p>18 This summer.</p> <p>19 BY ATTORNEY DOUGHERTY:</p> <p>20 Q.So, 2021?</p> <p>21 COURT REPORTER:</p> <p>22 Is that a yes?</p> <p>23 THE WITNESS:</p> <p>24 Beg your pardon?</p> <p>25 COURT REPORTER:</p>
<p style="text-align: right;">Page 16</p> <p>1 Is that a yes?</p> <p>2 THE WITNESS:</p> <p>3 Yes.</p> <p>4 BY ATTORNEY DOUGHERTY:</p> <p>5 Q.I'm sorry. So, when you learned that you were</p> <p>6 being placed on administrative leave in early 2019,</p> <p>7 you didn't look for other employment?</p> <p>8 A.I did not.</p> <p>9 Q.And when your employment with the Hill School</p> <p>10 ended in October 2019, you did not look for other</p> <p>11 employment until the summer of 2021?</p> <p>12 A.Correct.</p> <p>13 Q.Is there a reason why you didn't look for other</p> <p>14 employment between October 2019 when your employment</p> <p>15 with the Hill School ended and this summer 2021?</p> <p>16 A.Initially, the reason would have been the onset</p> <p>17 of COVID.</p> <p>18 Q.But COVID didn't start until March 2020.</p> <p>19 Right?</p> <p>20 A.Correct. Prior to that, I was helping my</p> <p>21 brother. My mother died in February 2020. I helped</p> <p>22 my brother close up her house and her final days. I</p> <p>23 filed for unemployment in November. And I was</p> <p>24 collecting that. And then, COVID shut us down.</p> <p>25 Q.You filed for unemployment in November 2019?</p>	<p style="text-align: right;">Page 17</p> <p>1 A.Yes.</p> <p>2 Q.So, from October 2019 when your employment with</p> <p>3 the Hill School ended until February 2020, you did not</p> <p>4 look for employment.</p> <p>5 Is that right?</p> <p>6 A.I did not.</p> <p>7 Q.Is there a reason why you did not look for</p> <p>8 employment between October 2019 and February 2020?</p> <p>9 A.I think I was just reeling from not working at</p> <p>10 the Hill anymore, not sure what I could go find a job</p> <p>11 doing. I didn't feel employable by a school because</p> <p>12 of what was going on, the allegations against me.</p> <p>13 Q.You said what was going on. Are you referring to</p> <p>14 your lawsuit?</p> <p>15 A.I'm referring to having allegations made against</p> <p>16 me of sexual abuse to a student.</p> <p>17 Q.And you're referring to the two letters, right,</p> <p>18 the April 2018 and December 2018 letters?</p> <p>19 A.Yes.</p> <p>20 Q.The letters that described accusations by Mr.</p> <p>21 Poulos of sexual abuse by you of Mr. Poulos when he</p> <p>22 was a child at the Hill School.</p> <p>23 Is that right?</p> <p>24 A.Yes.</p> <p>25 Q.You were no longer employed at the Hill School.</p>

<p style="text-align: right;">Page 18</p> <p>1 Correct?</p> <p>2 A.That's correct.</p> <p>3 Q.So, what were you dealing with as it relates to</p> <p>4 let's just stick with the letters. What was going on</p> <p>5 about the accusations? I want to know what that was.</p> <p>6 ATTORNEY JUBB:</p> <p>7 Object to the form.</p> <p>8 THE WITNESS:</p> <p>9 I'm not sure I understand.</p> <p>10 BY ATTORNEY DOUGHERTY:</p> <p>11 Q.Sure. The ---.</p> <p>12 A.Why that was in my way of looking for a job?</p> <p>13 Q.Yeah. The only thing I'm aware of that was going</p> <p>14 on in October 2019 as it relates to Mr. Poulos's</p> <p>15 accusations is your lawsuit.</p> <p>16 A.I wasn't working any longer. I wasn't working</p> <p>17 because of the allegations made against me. And to</p> <p>18 apply for a job with a school where I'd be working</p> <p>19 with students or on behalf of students, I didn't feel</p> <p>20 like I could honestly go through an interview and say</p> <p>21 why I wasn't working any longer.</p> <p>22 Q.What's the basis for your belief that you weren't</p> <p>23 working at the Hill School because of the allegations</p> <p>24 that had been made against you?</p> <p>25 ATTORNEY JUBB:</p>	<p style="text-align: right;">Page 19</p> <p>1 Objection to the form. Asked and</p> <p>2 answered.</p> <p>3 COURT REPORTER:</p> <p>4 I'm sorry. You said asked and answered?</p> <p>5 THE WITNESS:</p> <p>6 Is there something I should have heard</p> <p>7 here? I'm sorry.</p> <p>8 ATTORNEY JUBB:</p> <p>9 No. Just answer the question unless I</p> <p>10 tell you not to.</p> <p>11 THE WITNESS:</p> <p>12 Okay.</p> <p>13 I go back to the allegations. I was</p> <p>14 told in January by the headmaster to not find myself</p> <p>15 alone with students. I was told by the school's</p> <p>16 attorney that I should engage my own attorney because</p> <p>17 of those allegations. And that, to me, felt like a</p> <p>18 part of my work world going forward.</p> <p>19 BY ATTORNEY DOUGHERTY:</p> <p>20 Q.And when was that? I think you gave me --- you</p> <p>21 said January. What was the date you said? I missed</p> <p>22 it.</p> <p>23 A.That the headmaster told me not to be alone with</p> <p>24 students was January 2019.</p> <p>25 Q.Thank you. And the comment by Mr. Rees that you</p>
<p style="text-align: right;">Page 20</p> <p>1 should get an attorney that was also in January 2019?</p> <p>2 A.That was the second time. He told me I should</p> <p>3 consider speaking with an attorney in May of 2018. He</p> <p>4 told me after the second letter, I needed to find an</p> <p>5 attorney of my own.</p> <p>6 Q.So, sometime after December 2018, Mr. Rees told</p> <p>7 you to get an attorney?</p> <p>8 A.January of 2019.</p> <p>9 Q.January of 2019, okay. And the lawyer that you</p> <p>10 retained was Mr. Jubb sitting here with you today.</p> <p>11 Is that right?</p> <p>12 A.It is.</p> <p>13 Q.And when did you first retain Mr. Jubb?</p> <p>14 A.It would have been in January of 2019.</p> <p>15 Q.Why did you hire Mr. Jubb?</p> <p>16 A.Why did I hire him?</p> <p>17 ATTORNEY JUBB:</p> <p>18 How does that have anything to do with</p> <p>19 --- hold on, hold on.</p> <p>20 ATTORNEY DOUGHERTY:</p> <p>21 It matters whether he hired him to deal</p> <p>22 with something with the school or whether he hired you</p> <p>23 just to pursue this lawsuit.</p> <p>24 ATTORNEY JUBB:</p> <p>25 Thank you for the clarification. You an</p>	<p style="text-align: right;">Page 21</p> <p>1 answer.</p> <p>2 THE WITNESS:</p> <p>3 I hired him because of the allegations</p> <p>4 against me.</p> <p>5 BY ATTORNEY DOUGHERTY:</p> <p>6 Q.In January 2019, were you planning to file a</p> <p>7 lawsuit?</p> <p>8 A.No.</p> <p>9 Q.When did you first decide to file a lawsuit?</p> <p>10 A.I had been made aware that there was a</p> <p>11 possibility that there would be reason for a lawsuit</p> <p>12 in May of 2018 by Mr. Rees. He had said that again in</p> <p>13 January.</p> <p>14 Q.Of 2019?</p> <p>15 A.2019. My reason for contacting Mr. Lane was</p> <p>16 because I needed an attorney and I had no idea where</p> <p>17 we were --- where the allegations were leading. And</p> <p>18 that was my reason for calling him.</p> <p>19 Q.Okay.</p> <p>20 When did you decide you were going to file a</p> <p>21 lawsuit?</p> <p>22 ATTORNEY JUBB:</p> <p>23 I'll object to the form of that.</p> <p>24 THE WITNESS:</p> <p>25 It was probably late March of 2019.</p>

<p style="text-align: right;">Page 22</p> <p>1 BY ATTORNEY DOUGHERTY:</p> <p>2 Q.Was there a period of time that you were</p> <p>3 contemplating taking legal action before you,</p> <p>4 actually, decided to file a lawsuit?</p> <p>5 A.Yes.</p> <p>6 Q.And what was that period of time?</p> <p>7 A.Probably January to March.</p> <p>8 Q.And is it correct that shortly after you made the</p> <p>9 decision to file a lawsuit, the lawsuit was, in fact,</p> <p>10 filed.</p> <p>11 Is that right?</p> <p>12 A.Yes.</p> <p>13 ATTORNEY DOUGHERTY:</p> <p>14 What was the date of the complaint?</p> <p>15 April 8.</p> <p>16 ATTORNEY STEIGER:</p> <p>17 I believe that's correct.</p> <p>18 ATTORNEY JUBB:</p> <p>19 I thought it was 6th.</p> <p>20 BY ATTORNEY DOUGHERTY:</p> <p>21 Q.Do you know the date that you filed the lawsuit?</p> <p>22 A.Not exactly, no.</p> <p>23 Q.Do you agree that you filed the lawsuit in early</p> <p>24 April 2019?</p> <p>25 A.Yes.</p>	<p style="text-align: right;">Page 23</p> <p>1 Q.Prior to the filing of the lawsuit, no action had</p> <p>2 been taken against you by the Hill School ---</p> <p>3 ATTORNEY JUBB:</p> <p>4 I'll object to the form.</p> <p>5 BY ATTORNEY DOUGHERTY:</p> <p>6 Q.--- as a result of the accusations by Mr. Poulos,</p> <p>7 is that right?</p> <p>8 ATTORNEY JUBB:</p> <p>9 Objection to form.</p> <p>10 THE WITNESS:</p> <p>11 Action formal, no. Being told to not be</p> <p>12 alone with students is a pretty clear statement of</p> <p>13 action to a person who has spent their life teaching.</p> <p>14 BY ATTORNEY DOUGHERTY:</p> <p>15 Q.Okay.</p> <p>16 Well, did your job require you to be alone with</p> <p>17 students in January of 2019?</p> <p>18 ATTORNEY JUBB:</p> <p>19 I'll object to that.</p> <p>20 THE WITNESS:</p> <p>21 I don't know how that's relevant to</p> <p>22 being told not to be when I was on campus.</p> <p>23 BY ATTORNEY DOUGHERTY:</p> <p>24 Q.Did your job require you to be alone with</p> <p>25 students in January 2019?</p>
<p style="text-align: right;">Page 24</p> <p>1 ATTORNEY JUBB:</p> <p>2 Objection to form.</p> <p>3 THE WITNESS:</p> <p>4 On occasion, I could have been yes.</p> <p>5 BY ATTORNEY DOUGHERTY:</p> <p>6 Q.What was your title again in 2019?</p> <p>7 A.I was a capital giving officer.</p> <p>8 Q.Okay.</p> <p>9 What tasks or components of your capital --- of</p> <p>10 your position as capital giving officer required you</p> <p>11 to be alone with students in January 2019?</p> <p>12 A.I could have found myself alone with students if</p> <p>13 I was introducing them to an alumnus or alumna of the</p> <p>14 school.</p> <p>15 Q.But you wouldn't be alone with the student. You</p> <p>16 would have an alumni there.</p> <p>17 Correct?</p> <p>18 ATTORNEY JUBB:</p> <p>19 I'll object to the form.</p> <p>20 COURT REPORTER:</p> <p>21 Can you keep your voice up when you give</p> <p>22 objections? Thank you.</p> <p>23 THE WITNESS:</p> <p>24 I consider being alone with students to</p> <p>25 mean without other employees of the school being</p>	<p style="text-align: right;">Page 25</p> <p>1 present is how I interpreted that.</p> <p>2 BY ATTORNEY DOUGHERTY:</p> <p>3 Q.Well, Mr. Lehman didn't say that, right?</p> <p>4 ATTORNEY JUBB:</p> <p>5 I'll object.</p> <p>6 THE WITNESS:</p> <p>7 No. I just told you that's how I</p> <p>8 interpreted it.</p> <p>9 BY ATTORNEY DOUGHERTY:</p> <p>10 Q.Okay.</p> <p>11 So, in January 2019, as part of your position as</p> <p>12 capital giving officer, you did have an occasion to</p> <p>13 introduce students to alumni.</p> <p>14 Is that right?</p> <p>15 A.That is correct.</p> <p>16 Q.And by students, I mean then students at the Hill</p> <p>17 School in 2019.</p> <p>18 Correct?</p> <p>19 A.Correct.</p> <p>20 Q.Okay.</p> <p>21 But you didn't have to be alone with the student</p> <p>22 of the Hill School in 2019 to make the introduction.</p> <p>23 Is that correct?</p> <p>24 A.I would have been there with a student or</p> <p>25 students and the alumni.</p>

<p style="text-align: right;">Page 26</p> <p>1 Q.And you introduced the alumni to students in</p> <p>2 person or over the phone or how did that work?</p> <p>3 A.No. That would have been in person.</p> <p>4 COURT REPORTER:</p> <p>5 Let her finish the question fully.</p> <p>6 THE WITNESS:</p> <p>7 Sorry.</p> <p>8 BY ATTORNEY DOUGHERTY:</p> <p>9 Q.So, what other part of your job as capital giving</p> <p>10 officer in 2019 required you to have contact with</p> <p>11 students?</p> <p>12 ATTORNEY JUBB:</p> <p>13 Same objection.</p> <p>14 THE WITNESS:</p> <p>15 If I were on campus, I could have</p> <p>16 interacted with students in the dining hall or walking</p> <p>17 about campus.</p> <p>18 BY ATTORNEY DOUGHERTY:</p> <p>19 Q.Okay.</p> <p>20 But what part of your job as capital giving</p> <p>21 officer required you to have access to students or to</p> <p>22 interact with students? You told us one. Introducing</p> <p>23 students to alumni. So, I want to know what part of</p> <p>24 your job required you to have contact with students</p> <p>25 alone in 2019.</p>	<p style="text-align: right;">Page 27</p> <p>1 ATTORNEY JUBB:</p> <p>2 Objection, asked and answered.</p> <p>3 THE WITNESS:</p> <p>4 I, actually, think I've said that. My</p> <p>5 job required selling --- presenting the school to</p> <p>6 alumni. And part of doing that would be to know</p> <p>7 what's going on at campus. So, I would be present on</p> <p>8 campus. And there really is no way to except</p> <p>9 consciously say I won't be alone with students to know</p> <p>10 that you're not going to have a conversation alone</p> <p>11 with a student.</p> <p>12 BY ATTORNEY DOUGHERTY:</p> <p>13 Q.Okay.</p> <p>14 You have not identified any example of being</p> <p>15 alone with a student that was a requirement of your</p> <p>16 job in January 2019. Is the answer just none? There</p> <p>17 was no requirement of your job that required you to be</p> <p>18 alone with a student in January 2019.</p> <p>19 Correct?</p> <p>20 ATTORNEY JUBB:</p> <p>21 I'll object. Asked and answered. I</p> <p>22 think you need to move on. I don't know understand</p> <p>23 what you're ---.</p> <p>24 ATTORNEY DOUGHERTY:</p> <p>25 No, he's not answered.</p>
<p style="text-align: right;">Page 28</p> <p>1 ATTORNEY JUBB:</p> <p>2 Yes, he has over and over.</p> <p>3 ATTORNEY DOUGHERTY:</p> <p>4 I want to know why it matters that</p> <p>5 Lehman told him not to be alone with students in</p> <p>6 January of 2019 when no part of his job required him</p> <p>7 to be alone with students in January 2019.</p> <p>8 ATTORNEY JUBB:</p> <p>9 That's again, mischaracterization of</p> <p>10 testimony and I'll object to the question.</p> <p>11 ATTORNEY DOUGHERTY:</p> <p>12 Okay. That's fine.</p> <p>13 BY ATTORNEY DOUGHERTY:</p> <p>14 Q.Then, tell me the tasks or requirements of your</p> <p>15 job in January 2019 as capital giving officer that</p> <p>16 required you to be alone with a student.</p> <p>17 A.Are you asking if it was in my job description?</p> <p>18 Q.Yes.</p> <p>19 A.No. It's not written in my job description that</p> <p>20 I should be found alone with students.</p> <p>21 Q.Is there some component of --- let me start</p> <p>22 again.</p> <p>23 Was there some component of your job as capital</p> <p>24 giving officer that required you to be alone with a</p> <p>25 student of the Hill School?</p>	<p style="text-align: right;">Page 29</p> <p>1 ATTORNEY JUBB:</p> <p>2 Objection to the form. Asked and</p> <p>3 answered again.</p> <p>4 THE WITNESS:</p> <p>5 I don't know how to say it any clearer</p> <p>6 than if what you're looking for is a no, I don't know</p> <p>7 how to answer that honestly and tell you that I could</p> <p>8 do my job and never run the likelihood of being alone</p> <p>9 with students because my job when I was on campus was</p> <p>10 to spend time on campus getting to know the school and</p> <p>11 the students. And that can very well mean I'd be</p> <p>12 having a conversation with a student without others</p> <p>13 present.</p> <p>14 BY ATTORNEY DOUGHERTY:</p> <p>15 Q.So, there was no component of your job that</p> <p>16 required you to be alone with a student of Hill School</p> <p>17 in 2019.</p> <p>18 Is that right?</p> <p>19 ATTORNEY JUBB:</p> <p>20 I'll object. You're just now harassing</p> <p>21 him.</p> <p>22 BY ATTORNEY DOUGHERTY:</p> <p>23 Q.Is that right?</p> <p>24 A.I don't know ---.</p> <p>25 ATTORNEY JUBB:</p>



<p style="text-align: right;">Page 30</p> <p>1 Objection to the form.</p> <p>2 THE WITNESS:</p> <p>3 I don't know what else to tell you.</p> <p>4 BY ATTORNEY DOUGHERTY:</p> <p>5 Q.How many times --- let's start with 2016 and 2017</p> <p>6 because that's how your appointments worked, right?</p> <p>7 One year at a time. So, from July 1st, 2016 to</p> <p>8 January 30th, 2017, how many times were you alone with</p> <p>9 a Hill School student?</p> <p>10 A.I can't tell you a number.</p> <p>11 Q.Can you identify any time from July 1, 2016 to</p> <p>12 June 30, 2017, that you were alone, just you and the</p> <p>13 student, alone with a student of the Hill School?</p> <p>14 A.I can't tell you I was alone with a student. I</p> <p>15 can tell you I would have been alone with some</p> <p>16 students. That would have happened in the dining hall</p> <p>17 when I would go up during seated meals. I would sit</p> <p>18 with a faculty member at their table. The faculty</p> <p>19 member left to go to a class and the students at the</p> <p>20 table had some time after the meal. We would have sat</p> <p>21 and talked because I would have been introduced.</p> <p>22 And the students would have known that I taught</p> <p>23 there for 17 years. And we would have talked about</p> <p>24 the school.</p> <p>25 Q.Students plural at the table.</p>	<p style="text-align: right;">Page 31</p> <p>1 Correct?</p> <p>2 A.Generally speaking, yes.</p> <p>3 Q.And the dining hall didn't have just one table in</p> <p>4 it.</p> <p>5 Right?</p> <p>6 A.No.</p> <p>7 Q.So, do you, actually, have in mind right now an</p> <p>8 example of a time when you went to the dining hall for</p> <p>9 a meal and started speaking with students that were</p> <p>10 seated at the table and a faculty member left and you</p> <p>11 continued speaking to students?</p> <p>12 A.Specific instance of that? No.</p> <p>13 Q.Yes. Did it ever happen?</p> <p>14 A.Yes.</p> <p>15 Q.When did it happen?</p> <p>16 A.After a meal. I can't tell you a date. I don't</p> <p>17 know how to be more forthright than to tell you that's</p> <p>18 the kind of situation where it would happen.</p> <p>19 Q.Okay.</p> <p>20 And there was more than one table in the dining</p> <p>21 hall.</p> <p>22 Right?</p> <p>23 A.Lots more.</p> <p>24 Q.So, were there other people in the room other</p> <p>25 than you and the students at the table?</p>
<p style="text-align: right;">Page 32</p> <p>1 A.Of course, yes.</p> <p>2 Q.And other people in the dining hall besides you</p> <p>3 and the students at the table, did they include a</p> <p>4 faculty member or another teacher?</p> <p>5 A.Probably, yes.</p> <p>6 Q.So, that's not a situation that met your</p> <p>7 understanding of what Mr. Lehman said about not being</p> <p>8 alone with the student.</p> <p>9 Is that right?</p> <p>10 ATTORNEY JUBB:</p> <p>11 Objection to the form.</p> <p>12 THE WITNESS:</p> <p>13 I can tell you only how I take not being</p> <p>14 alone with students and that's in a position where you</p> <p>15 can say or do things to or with a student that</p> <p>16 wouldn't be acceptable.</p> <p>17 BY ATTORNEY DOUGHERTY:</p> <p>18 Q.Well, that couldn't happen in the middle of the</p> <p>19 dining hall.</p> <p>20 Right?</p> <p>21 A.Certainly, a conversation could happen in the</p> <p>22 dining hall.</p> <p>23 Q.I'm sorry. So, a conversation was inappropriate?</p> <p>24 A.Conversations can be inappropriate I said.</p> <p>25 Q.All right.</p>	<p style="text-align: right;">Page 33</p> <p>1 So, any other instances between July 1st, 2016 to</p> <p>2 June 30th, 2017 that you were alone with a Hill School</p> <p>3 student?</p> <p>4 A.Not that I recall.</p> <p>5 Q.How about from July 1, 2017 to June 30, 2018?</p> <p>6 A.Not that I recall.</p> <p>7 Q.How about from July 1, 2018 to October 2019?</p> <p>8 A.Not that I recall beyond the same situations.</p> <p>9 Q.So, why did it matter to you that Mr. Lehman told</p> <p>10 you not to be by yourself or alone with a student at</p> <p>11 the Hill School?</p> <p>12 ATTORNEY JUBB:</p> <p>13 I'll object. Asked and answered from</p> <p>14 the prior deposition, not from this one.</p> <p>15 THE WITNESS:</p> <p>16 I spent my life teaching, most of it at</p> <p>17 the Hill School. And to have the headmaster say, you</p> <p>18 can't be alone with students, is pretty loud statement</p> <p>19 that we can't afford to have you alone with students</p> <p>20 anymore.</p> <p>21 BY ATTORNEY DOUGHERTY:</p> <p>22 Q.Okay.</p> <p>23 So, it offended you.</p> <p>24 Is that right?</p> <p>25 ATTORNEY JUBB:</p>

<p style="text-align: right;">Page 34</p> <p>1 I'll object to the form.</p> <p>2 THE WITNESS:</p> <p>3 It offended many aspects of me, yes.</p> <p>4 BY ATTORNEY DOUGHERTY:</p> <p>5 Q.But Mr. Lehman's comment didn't, actually, impact</p> <p>6 your ability to complete your job as a capital giving</p> <p>7 officer.</p> <p>8 Is that right?</p> <p>9 ATTORNEY JUBB:</p> <p>10 I'll object to the form.</p> <p>11 THE WITNESS:</p> <p>12 I don't know how to --- it affects</p> <p>13 everything about me, which affects my ability to do</p> <p>14 the job.</p> <p>15 ATTORNEY JUBB:</p> <p>16 Next question please.</p> <p>17 BY ATTORNEY DOUGHERTY:</p> <p>18 Q.Well, then tell me what part of the job of</p> <p>19 capital giving officer you could not complete after</p> <p>20 Mr. Lehman made that comment to you in 2019.</p> <p>21 ATTORNEY JUBB:</p> <p>22 Objection to the form. Asked and</p> <p>23 answered and it's harassing.</p> <p>24 THE WITNESS:</p> <p>25 I don't know how to make it clear that</p>	<p style="text-align: right;">Page 35</p> <p>1 if you work for a school and you're not allowed to be</p> <p>2 with students without other adults around all of the</p> <p>3 time how it makes it hard to work for a school</p> <p>4 regardless of your role.</p> <p>5 BY ATTORNEY DOUGHERTY:</p> <p>6 Q.Okay.</p> <p>7 You've not identified a circumstance with --- as</p> <p>8 part of your position as capital giving officer that,</p> <p>9 actually, required you to be alone with a student.</p> <p>10 ATTORNEY JUBB:</p> <p>11 Objection to the form.</p> <p>12 BY ATTORNEY DOUGHERTY:</p> <p>13 Q.That's what I'm trying to understand. It would</p> <p>14 make sense to me if you were a teacher or a tutor.</p> <p>15 You're a capital giving officer. So, I want to know</p> <p>16 what part of your job --- again, just the part of the</p> <p>17 job that you couldn't complete. We can deal with if</p> <p>18 it had other impacts on you. So, what part of your</p> <p>19 job as capital giving officer were you unable to</p> <p>20 perform after Mr. Lehman made his comment to you in</p> <p>21 2019 that you should not be alone with a Hill School</p> <p>22 student.</p> <p>23 ATTORNEY JUBB:</p> <p>24 Objection to form. Asked and answered.</p> <p>25 This is the last time and you're moving on.</p>
<p style="text-align: right;">Page 36</p> <p>1 THE WITNESS:</p> <p>2 I don't know how to answer that</p> <p>3 differently than I have.</p> <p>4 BY ATTORNEY DOUGHERTY:</p> <p>5 Q.So, you can identify no component of your job as</p> <p>6 capital giving officer that you could not perform</p> <p>7 because you could not be alone with a Hill School</p> <p>8 student?</p> <p>9 ATTORNEY JUBB:</p> <p>10 Objection. You're now just harassing</p> <p>11 him. You're just ignoring what he's ---.</p> <p>12 ATTORNEY DOUGHERTY:</p> <p>13 He's playing games.</p> <p>14 ATTORNEY JUBB:</p> <p>15 He's not. You just refuse to ask a</p> <p>16 different question.</p> <p>17 ATTORNEY DOUGHERTY:</p> <p>18 There is, actually, no part of his job</p> <p>19 as capital giving officer that he could not complete</p> <p>20 because of Mr. Lehman's comment not to be alone with a</p> <p>21 student.</p> <p>22 ATTORNEY JUBB:</p> <p>23 He just explained to you that over and</p> <p>24 over.</p> <p>25 ATTORNEY DOUGHERTY:</p>	<p style="text-align: right;">Page 37</p> <p>1 He's not identified any single incident</p> <p>2 where he was actually alone with the student.</p> <p>3 ATTORNEY JUBB:</p> <p>4 He's told you that part of his job was</p> <p>5 to introduce alumni to students in order to arrange</p> <p>6 for that ---.</p> <p>7 ATTORNEY DOUGHERTY:</p> <p>8 That's not being alone.</p> <p>9 ATTORNEY JUBB:</p> <p>10 That's your impression of it.</p> <p>11 ATTORNEY DOUGHERTY:</p> <p>12 We covered that.</p> <p>13 ATTORNEY JUBB:</p> <p>14 So, you keep asking him the same</p> <p>15 question and he's told you that's his answer.</p> <p>16 ATTORNEY DOUGHERTY:</p> <p>17 No, he's playing games.</p> <p>18 ATTORNEY JUBB:</p> <p>19 No, you just can't ---.</p> <p>20 ATTORNEY DOUGHERTY:</p> <p>21 No, he's playing games.</p> <p>22 ATTORNEY JUBB:</p> <p>23 You don't like the testimony. Move on.</p> <p>24 COURT REPORTER:</p> <p>25 I can only take down one person at a</p>

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<p style="text-align: right;">Page 38</p> <p>1 time please. I know that it's tense but please one</p> <p>2 person.</p> <p>3 BY ATTORNEY DOUGHERTY:</p> <p>4 Q.So, as of January 2019, no component of your job</p> <p>5 as capital giving officer required you to be alone</p> <p>6 with a Hill School student.</p> <p>7 Is that correct?</p> <p>8 ATTORNEY JUBB:</p> <p>9 Objection to the form. Yes or no, is</p> <p>10 that correct?</p> <p>11 THE WITNESS:</p> <p>12 After January 2019, I could not be alone</p> <p>13 with students regardless.</p> <p>14 BY ATTORNEY DOUGHERTY:</p> <p>15 Q.That wasn't my question. My question was ---</p> <p>16 let's do --- I can clarify it so it can be extra</p> <p>17 clear. Before Mr. Lehman made his comment to you in</p> <p>18 January 2019 that you should not be alone with a Hill</p> <p>19 School student, there was no component of your job as</p> <p>20 capital giving officer that required you to be alone</p> <p>21 with a student of the Hill School.</p> <p>22 Correct?</p> <p>23 A.No.</p> <p>24 Q.What component of your job as a capital giving</p> <p>25 officer at the Hill School prior to when Mr. Lehman</p>	<p style="text-align: right;">Page 39</p> <p>1 made his comment to you in January 2019 that you</p> <p>2 shouldn't be alone with a student of the Hill School</p> <p>3 required you to be alone with a student of the Hill</p> <p>4 School?</p> <p>5 ATTORNEY JUBB:</p> <p>6 Other than what you've testified about,</p> <p>7 is there anything else?</p> <p>8 THE WITNESS:</p> <p>9 No.</p> <p>10 BY ATTORNEY DOUGHERTY:</p> <p>11 Q.So, you can identify no occasion between --- let</p> <p>12 me make sure I have that right. At the time you were</p> <p>13 re-employed at the Hill School as of July 1, 2016 as a</p> <p>14 capital giving officer to January 2019 when Mr. Lehman</p> <p>15 made his comment to you that you should not be alone</p> <p>16 with a student of the Hill School that you were</p> <p>17 actually alone with a student of the Hill School.</p> <p>18 Is that correct?</p> <p>19 ATTORNEY JUBB:</p> <p>20 Objection to form.</p> <p>21 BY ATTORNEY DOUGHERTY:</p> <p>22 Q.If you don't understand, I'll try again.</p> <p>23 A.I think I answered that when you asked me about</p> <p>24 can I point to an instance at the table. And I said</p> <p>25 no, but I can tell you that those kinds of things do</p>
<p style="text-align: right;">Page 40</p> <p>1 happen. I'm not playing games. This is my life. And</p> <p>2 boarding school is a fluid, constantly in motion</p> <p>3 environment. And there is not a way to be a part of</p> <p>4 the community and not find yourself alone with</p> <p>5 students at some point.</p> <p>6 Q.Okay.</p> <p>7 So, you can identify for me no time between July</p> <p>8 1, 2016 and January 2019 when Mr. Lehman made his</p> <p>9 comment that you should not be alone with a student of</p> <p>10 the Hill School where you had, actually, been alone</p> <p>11 with a student of the Hill School.</p> <p>12 Is that right?</p> <p>13 A.No. I can't recall a conversation I had with a</p> <p>14 student, just a student, in those two and a half</p> <p>15 years.</p> <p>16 ATTORNEY DOUGHERTY:</p> <p>17 So, this one is --- what are we, 21?</p> <p>18 ---</p> <p>19 (Whereupon, Defendant's Exhibit 21,</p> <p>20 4/8/16 Appointment Letter, was marked</p> <p>21 for identification.)</p> <p>22 ---</p> <p>23 ATTORNEY STEIGER:</p> <p>24 Yes.</p> <p>25 ATTORNEY JUBB:</p>	<p style="text-align: right;">Page 41</p> <p>1 You have the witness copy.</p> <p>2 ATTORNEY DOUGHERTY:</p> <p>3 Yeah. And I don't --- before I give</p> <p>4 that to him, I just want to make sure I ---.</p> <p>5 BY ATTORNEY DOUGHERTY:</p> <p>6 Q.I just want to confirm that you did not pay Mr.</p> <p>7 Jubb or the Beasley firm any amount of money as it</p> <p>8 relates to the representation of you other than in</p> <p>9 connection with this lawsuit.</p> <p>10 Is that correct?</p> <p>11 A.That's correct.</p> <p>12 Q.And there is no other attorney that you retained</p> <p>13 to assist you with regard to the accusations by Mr.</p> <p>14 Poulos other than Mr. Jubb and the Beasley firm.</p> <p>15 Is that right?</p> <p>16 A.That is correct.</p> <p>17 Q.So, I'm showing you a document that's been marked</p> <p>18 as D-21. It's two pages. On the bottom right it says</p> <p>19 Hill Doe 0288 to Hill Doe 0289. And the Hill School</p> <p>20 at the top is dated on the first page April 8, 2016,</p> <p>21 in the top left. Do you know the document that I've</p> <p>22 marked as D-21?</p> <p>23 A.Yes.</p> <p>24 Q.How do you know the document that I've marked as</p> <p>25 D-21?</p>

<p style="text-align: right;">Page 42</p> <p>1 A.It's the letter that was sent to me offering me</p> <p>2 --- acknowledging that I had accepted the position and</p> <p>3 what my salary would be and what my expectations would</p> <p>4 be.</p> <p>5 Q.So, on the second page at the bottom under</p> <p>6 accepted by, there is a signature. Is that your</p> <p>7 signature?</p> <p>8 A.It is.</p> <p>9 Q.And your name is written there. And it has</p> <p>10 P'05'07. Do you know what that stands for?</p> <p>11 A.I do.</p> <p>12 Q.What does the P'05'07 stand for?</p> <p>13 A.It stands for parent 2005, parent 2007.</p> <p>14 Q.Okay.</p> <p>15 So, '05 and '07 are --- let me start again.</p> <p>16 2005, 2007 are the years that your sons graduated from</p> <p>17 the Hill School.</p> <p>18 Is that right?</p> <p>19 A.Yes.</p> <p>20 Q.And then, there's another signature on the second</p> <p>21 page of D-21 towards the top above Geoffrey A. Neese.</p> <p>22 Do you recognize that signature as Mr. Neese's</p> <p>23 signature?</p> <p>24 A.Yes.</p> <p>25 Q.So, you received the letter that has been marked</p>	<p style="text-align: right;">Page 43</p> <p>1 as D-21 on or about April 8, 2016, offering you a</p> <p>2 position of capital giving officer at the Hill School.</p> <p>3 And you accepted the position on April 11, 2016.</p> <p>4 Is that right?</p> <p>5 A.Yes.</p> <p>6 Q.All right.</p> <p>7 And so, the second paragraph of the letter on the</p> <p>8 first page, D-21, second paragraph, first page says</p> <p>9 the starting salary will be \$68,000. Did you receive</p> <p>10 a salary of \$68,000 for your work between July 1, 2016</p> <p>11 and June 30, 2016 --- or 2017?</p> <p>12 A.I'm sure I did.</p> <p>13 Q.Yes?</p> <p>14 A.Yes.</p> <p>15 Q.Did your compensation involve any bonuses or</p> <p>16 additional payment other than a salary?</p> <p>17 A.No.</p> <p>18 Q.And is that the case for the three years you</p> <p>19 worked as a capital giving officer? You received only</p> <p>20 a salary from the Hill School?</p> <p>21 A.I believe that's true.</p> <p>22 Q.Okay.</p> <p>23 And then it says the position is a full time</p> <p>24 position with the Advancement Office and the Hill</p> <p>25 School. It is eligible for a benefits package of</p>
<p style="text-align: right;">Page 44</p> <p>1 healthcare, retirement, vacation, and other matters</p> <p>2 and dash, as will be provided to you by Heather</p> <p>3 Gelting, our human resources director. It's</p> <p>4 G-E-L-T-I-N-G. Did you receive healthcare,</p> <p>5 retirement, and vacation benefits?</p> <p>6 A.Yes.</p> <p>7 Q.The next sentence, you will begin the capital</p> <p>8 giving officer position with a start date of July 1,</p> <p>9 2016. You will work remotely from your homes in</p> <p>10 Michigan and Ohio.</p> <p>11 Did I read that correctly? Did I read that</p> <p>12 correctly?</p> <p>13 A.Yes.</p> <p>14 Q.You will work remotely from your homes in</p> <p>15 Michigan and Ohio.</p> <p>16 Is that right?</p> <p>17 A.Yes.</p> <p>18 Q.So, your job as capital giving officer at the</p> <p>19 Hill School from July 1, 2016 to at least June 30,</p> <p>20 2017, was a remote position.</p> <p>21 Is that right?</p> <p>22 A.It was.</p> <p>23 Q.So, I guess it's the last paragraph if you want</p> <p>24 to consider it down on the first page of D-21. It</p> <p>25 starts, included below are the stipulations for the</p>	<p style="text-align: right;">Page 45</p> <p>1 remote work status:. Do you see where I am?</p> <p>2 A.Yes.</p> <p>3 Q.It says, you will attend a previous scheduled</p> <p>4 Plus Delta training in Philadelphia. What is that?</p> <p>5 A.Yes. What is it?</p> <p>6 Q.Yes.</p> <p>7 A.Plus Delta is a training program for giving</p> <p>8 officers.</p> <p>9 Q.Did the Plus Delta training in Philadelphia</p> <p>10 involve any Hill School students?</p> <p>11 A.It involved visits to campus after training, it</p> <p>12 did not, no.</p> <p>13 Q.And then, number two, you will schedule your</p> <p>14 campus visits monthly around Plus Delta sessions. You</p> <p>15 will likely stay in a guest house on campus. I think</p> <p>16 you described that to us last time that you would ---</p> <p>17 that you came to campus approximately once a month.</p> <p>18 Is that right?</p> <p>19 A.During the Plus Delta, yes.</p> <p>20 Q.You say during the Plus Delta.</p> <p>21 A.I beg your pardon?</p> <p>22 Q.What do you mean by --- you make it sound like it</p> <p>23 was ---?</p> <p>24 A.Plus Delta was a monthly meeting.</p> <p>25 Q.Oh, okay. I get you. Okay.</p>

<p style="text-align: right;">Page 46</p> <p>1 So, there was a Plus Delta training when you</p> <p>2 started and then, there was plus delta meetings every</p> <p>3 month?</p> <p>4 A.The training was --- I think it was 16 weeks.</p> <p>5 Q.Okay.</p> <p>6 A.Plus. I can't say it was --- it sounds like too</p> <p>7 many. It was ---.</p> <p>8 Q.That's what I was thinking.</p> <p>9 A.It went through the fall of that year.</p> <p>10 Q.Okay.</p> <p>11 So, you stayed in Philadelphia for ---?</p> <p>12 A.I flew to Philadelphia.</p> <p>13 Q.And you stayed in Philadelphia for several weeks</p> <p>14 for training?</p> <p>15 A.No. No, no, no, no, no. It was --- the Plus</p> <p>16 Delta training sessions were one day. So, I would fly</p> <p>17 in for the meeting. Then, I would spend --- the</p> <p>18 scheduling my campus visits around that would be I</p> <p>19 wouldn't fly out the same day as the meeting. I would</p> <p>20 then go to campus and spend time there then.</p> <p>21 Q.And so, the Plus Delta sessions were not on</p> <p>22 campus.</p> <p>23 Is that right?</p> <p>24 A.They were not.</p> <p>25 Q.And it says, you will schedule your campus</p>	<p style="text-align: right;">Page 47</p> <p>1 visits. What did you do during your campus visits</p> <p>2 from July 1, 2016 to July 30, 2017?</p> <p>3 A.As I've explained, just spent time on campus</p> <p>4 getting to know the rhythm of the campus, the school</p> <p>5 year, better knowledge of the students, and spent time</p> <p>6 with faculty hearing what they had to say and what</p> <p>7 their hopes for the future were.</p> <p>8 Q.And none of those campus visits required you to</p> <p>9 be alone with a Hill School student.</p> <p>10 Is that right?</p> <p>11 ATTORNEY JUBB:</p> <p>12 Objection to form.</p> <p>13 THE WITNESS:</p> <p>14 No differently than I've already</p> <p>15 explained.</p> <p>16 BY ATTORNEY DOUGHERTY:</p> <p>17 Q.Did you need more water?</p> <p>18 A.That's fine. Thank you.</p> <p>19 Q.And it says, you will have a weekly call with</p> <p>20 Geoff. And that's probably Geoff Neese, right?</p> <p>21 A.Correct.</p> <p>22 Q.So, did a weekly call with Geoff Neese involve</p> <p>23 being alone with a Hill School student?</p> <p>24 A.No. I was working remotely for those.</p> <p>25 Q.And it says you'll be available by phone and</p>
<p style="text-align: right;">Page 48</p> <p>1 email during working hours. And then, number five,</p> <p>2 you may be expected to attend key on campus events as</p> <p>3 needed, Lawrenceville Weekend, Reunion Weekend,</p> <p>4 dedications, et cetera. Did you attend Lawrenceville</p> <p>5 Weekend, Reunion Weekend, and dedications during the</p> <p>6 July 1, 2016 to June 30, 2017 term?</p> <p>7 A.Yes.</p> <p>8 Q.Were you alone with a Hill School student during</p> <p>9 Lawrenceville Weekend, Reunion Weekend, or dedications</p> <p>10 during the July 1, 2016 to June 30, 2017, term of your</p> <p>11 employment as capital giving officer?</p> <p>12 ATTORNEY JUBB:</p> <p>13 Objection to form.</p> <p>14 THE WITNESS:</p> <p>15 Certainly not during Reunion Weekend and</p> <p>16 no differently than I've tried to explain with</p> <p>17 Lawrenceville and dedications and the et ceteras.</p> <p>18 BY ATTORNEY DOUGHERTY:</p> <p>19 Q.You mean like bumping into students while walking</p> <p>20 on campus or at the dining hall.</p> <p>21 Right?</p> <p>22 A.Yes.</p> <p>23 Q.Now number seven is on the second page of D-21.</p> <p>24 It says, you will be expected to complete at least 12</p> <p>25 to 15 donor meetings per month. Did you complete 12</p>	<p style="text-align: right;">Page 49</p> <p>1 to 15 donor meetings per month?</p> <p>2 A.I believe so.</p> <p>3 Q.And could you just give me an example of what a</p> <p>4 donor meeting would entail, a typical one if there is</p> <p>5 such a thing?</p> <p>6 A.I'd fly to Chicago. I'd spend time setting up</p> <p>7 meetings in different cities for locations. I would</p> <p>8 go there and meet with the donor, catch them up to</p> <p>9 date on campus, learn about their experience as a</p> <p>10 student and then, we would talk about ways to be</p> <p>11 engaged. And when appropriate, I'd ask them for a</p> <p>12 gift.</p> <p>13 Q.Did any of the donor meetings that you completed</p> <p>14 during the July 1, 2016 to June 30, 2017, term of your</p> <p>15 employment as capital giving officer at the Hill</p> <p>16 School involve being alone with a Hill School student?</p> <p>17 A.No.</p> <p>18 ATTORNEY DOUGHERTY:</p> <p>19 Thirty-two (32) and then, 31 please.</p> <p>20 And then, 33. Thank you. Did I give you --- oh, we</p> <p>21 got to put a sticker on it. So, this will be D-22</p> <p>22 please.</p> <p>23 ---</p> <p>24 (Whereupon, Defendant's Exhibit 22,</p> <p>25 4/11/16 Email, was marked for</p>

<p style="text-align: right;">Page 50</p> <p>1 identification.)</p> <p>2 ---</p> <p>3 BY ATTORNEY DOUGHERTY:</p> <p>4 Q.I'm showing you a document that is marked as D-</p> <p>5 22. It says, Hill Doe 0287, on the bottom right. And</p> <p>6 it's an email from Geoff Neese to Hill faculty, Hill</p> <p>7 staff, CC Matt dated April 11, 2016. The subject</p> <p>8 line, new gift officer - Matt Ralston. Are you</p> <p>9 looking at the same document?</p> <p>10 A.Yes.</p> <p>11 Q.Have you seen this email that is marked as D-22</p> <p>12 before I showed it to you today?</p> <p>13 A.Yes.</p> <p>14 Q.Did you receive the email that's been marked as</p> <p>15 D-22 on April 11, 2016?</p> <p>16 A.Yes.</p> <p>17 Q.Did you read the email that's been marked as D-22</p> <p>18 when you received it on April 11, 2016?</p> <p>19 A.Yes.</p> <p>20 Q.In the second paragraph, Mr. Neese wrote, Matt</p> <p>21 will join a team of six gift officers and fill the</p> <p>22 opening left by Jessica Moyer's departure. I think</p> <p>23 you identified the six people during your last day of</p> <p>24 the deposition. Matt's work will be critical as we</p> <p>25 head into year three of the Strength of All campaign.</p>	<p style="text-align: right;">Page 51</p> <p>1 Matt will work remotely from his homes in Michigan and</p> <p>2 Ohio but will be on campus monthly to meet with the</p> <p>3 Advancement Office and stay connected to campus.</p> <p>4 So, did you meet with the Advancement Office</p> <p>5 monthly?</p> <p>6 A.Yes.</p> <p>7 Q.Did you meet with the Advancement Office monthly</p> <p>8 even after June 30, 2017? Was that something that</p> <p>9 continued for the whole time you were employed by the</p> <p>10 Hill School a second time?</p> <p>11 A.The timeframe could have been different than</p> <p>12 monthly but yes. When I was on campus, I had an</p> <p>13 office in the Advancement Office.</p> <p>14 Q.Okay.</p> <p>15 So, the Advancement Office was on campus?</p> <p>16 A.Yes.</p> <p>17 Q.Was the Advancement Office near where students</p> <p>18 were located on the campus?</p> <p>19 ATTORNEY JUBB:</p> <p>20 I'll object to the form.</p> <p>21 THE WITNESS:</p> <p>22 Down the hill from the dining hall and</p> <p>23 across a road and behind some houses for some</p> <p>24 dormitories.</p> <p>25 BY ATTORNEY DOUGHERTY:</p>
<p style="text-align: right;">Page 52</p> <p>1 Q.And was a typical format of the Advancement</p> <p>2 Office meetings that you attended?</p> <p>3 A.Do you mean timing or the substance of the</p> <p>4 meeting?</p> <p>5 Q.Either.</p> <p>6 A.It would be what I would consider typical office</p> <p>7 meetings. Updates on where people are traveling and</p> <p>8 things that are going on. There could be</p> <p>9 announcements of things that are happening on campus</p> <p>10 and events that we ought to all try to be in</p> <p>11 attendance of.</p> <p>12 Q.Okay.</p> <p>13 So, all of the capital giving officers got</p> <p>14 together in a meeting once a month and discussed their</p> <p>15 progress and status. Is that a fair characterization?</p> <p>16 A.It would have been the entire Advancement Office</p> <p>17 but yes.</p> <p>18 Q.Oh, okay.</p> <p>19 ATTORNEY DOUGHERTY:</p> <p>20 D-23.</p> <p>21 ---</p> <p>22 (Whereupon, Defendant's Exhibit 23,</p> <p>23 6/19/17 Appointment Letter, was marked</p> <p>24 for identification.)</p> <p>25 ---</p>	<p style="text-align: right;">Page 53</p> <p>1 BY ATTORNEY DOUGHERTY:</p> <p>2 Q.I'm showing you a document that I've marked as D-</p> <p>3 23. It says, Hill Doe 0262, on the bottom right. And</p> <p>4 there is a Hill School logo at the top and date June</p> <p>5 19, 2017, on the left at the top. Are we looking at</p> <p>6 the same document?</p> <p>7 A.Yes.</p> <p>8 Q.Have you seen the document that has been marked</p> <p>9 as D-23 before I showed it to you today?</p> <p>10 A.Have I seen it before today?</p> <p>11 Q.Yeah.</p> <p>12 A.Yes.</p> <p>13 Q.How do you know the document that has been marked</p> <p>14 as D-23?</p> <p>15 A.It was sent to me and is a letter for the next</p> <p>16 --- the following year, July 2017.</p> <p>17 Q.So, this is your appointment letter for 2017 to</p> <p>18 2018.</p> <p>19 Right?</p> <p>20 A.Yes. Yes.</p> <p>21 Q.And this being D-23.</p> <p>22 Correct?</p> <p>23 A.Yes.</p> <p>24 Q.And is it fair to say the only thing that changed</p> <p>25 in terms of your employment is capital giving officer</p>



<p style="text-align: right;">Page 54</p> <p>1 between your first term, July 1, 2016 to June 30,</p> <p>2 2017, as compared to your second term July 1, 2017 to</p> <p>3 June 30, 2018, is the amount that you were paid?</p> <p>4 A.Yes.</p> <p>5 Q.So, you were still required to --- let me start</p> <p>6 again.</p> <p>7 So, for the 2017 to 2018 term, you were still</p> <p>8 working remotely.</p> <p>9 Is that correct?</p> <p>10 A.Correct.</p> <p>11 Q.And you were still required to attend the Plus</p> <p>12 Delta sessions monthly?</p> <p>13 A.No.</p> <p>14 Q.No? Okay.</p> <p>15 A.That had ended.</p> <p>16 Q.Okay.</p> <p>17 So, for the July 1 --- when did the Delta</p> <p>18 sessions end?</p> <p>19 A.It would have been sometime in the fall of 2016.</p> <p>20 Q.Oh, okay.</p> <p>21 So, for the July 1, 2017 to June 30, 2018 term,</p> <p>22 you still were required to visit the campus monthly.</p> <p>23 Correct?</p> <p>24 A.It would have been more periodically than set</p> <p>25 monthly like it was during the Plus Delta.</p>	<p style="text-align: right;">Page 55</p> <p>1 Q.How many times did you --- let me start again.</p> <p>2 How many times were you required to visit the</p> <p>3 campus during the July 1, 2017 to June 30, 2018 term?</p> <p>4 A.I don't know.</p> <p>5 Q.So, you don't know how many times you were</p> <p>6 required to visit the campus for the July 1, 2017 to</p> <p>7 June 30, 2018 term?</p> <p>8 A.I can't give you a specific number of times I was</p> <p>9 there.</p> <p>10 ATTORNEY JUBB:</p> <p>11 She asked for required first.</p> <p>12 THE WITNESS:</p> <p>13 Going back, they would have been the</p> <p>14 same key events, on campus events as needed. If you</p> <p>15 go back to the first letter, number five at the</p> <p>16 bottom. And I would have gone I would say</p> <p>17 sporadically but in between those required events in</p> <p>18 order to spend time on campus.</p> <p>19 BY ATTORNEY DOUGHERTY:</p> <p>20 Q.Okay.</p> <p>21 So, just for the record, you were pointing at D-</p> <p>22 21, the April 8, 2016, appointment letter.</p> <p>23 A.Yes.</p> <p>24 Q.Just so we're ---.</p> <p>25 A.Yes.</p>
<p style="text-align: right;">Page 56</p> <p>1 Q.And you now have D-21 and D-23 in front of you.</p> <p>2 A.Yes.</p> <p>3 Q.Similar to me. So, you're looking at number five</p> <p>4 of D-21 that says you may be expected to attend key on</p> <p>5 campus events as needed. So, for July 1, 2017 to June</p> <p>6 30, 2018, term as capital giving officer, you were</p> <p>7 required to attend Lawrenceville Weekend, Reunion</p> <p>8 Weekend, dedications.</p> <p>9 Correct?</p> <p>10 A.Yes.</p> <p>11 Q.So, for the July 1, 2017 to June 30, 2018 term,</p> <p>12 how many times were you required to visit the campus?</p> <p>13 A.I don't know off the top of my head.</p> <p>14 Q.Okay.</p> <p>15 And just to be clear, I'm asking how many times</p> <p>16 you were required. So, we don't know how many times</p> <p>17 you were required even if you did meet it. I just</p> <p>18 want to know if there was a requirement. Let's do it</p> <p>19 this way. Was there a requirement that you attend or</p> <p>20 visit the campus a specific interval during the July</p> <p>21 1, 2017 to June 30, 2018 term?</p> <p>22 A.No.</p> <p>23 Q.So, that's something that changed between the two</p> <p>24 terms.</p> <p>25 A.Yes.</p>	<p style="text-align: right;">Page 57</p> <p>1 Q.So, going back to D-21 number two, this is D-21</p> <p>2 April 8, 2016, letter. Number two it says, you will</p> <p>3 schedule your campus visits monthly. So, starting</p> <p>4 July 1, 2017, you weren't required to visit the campus</p> <p>5 monthly.</p> <p>6 Is that right?</p> <p>7 A.Correct.</p> <p>8 Q.And you don't remember how many times you visited</p> <p>9 the campus between July 1, 2017, and June 30, 2018.</p> <p>10 Correct?</p> <p>11 A.I don't.</p> <p>12 Q.Are you able to estimate without guessing?</p> <p>13 A.No. Well, if you give me a minute, I could come</p> <p>14 up. But no.</p> <p>15 Q.Well, if you need a minute to think about it</p> <p>16 then, okay.</p> <p>17 A.Probably five.</p> <p>18 Q.And just to be clear, those five campus visits</p> <p>19 that you have in mind, are they in addition</p> <p>20 Lawrenceville Weekend, Reunion Weekend, and</p> <p>21 dedications or including?</p> <p>22 A.It's possible they would be included in those.</p> <p>23 Q.Okay.</p> <p>24 So, the total of five including the key on campus</p> <p>25 events.</p>

<p style="text-align: right;">Page 58</p> <p>1 Is that right?</p> <p>2 A.Yes.</p> <p>3 Q. Were you still expected to attend Advancement</p> <p>4 Office meetings during the July 1, 2017 to June 30,</p> <p>5 2018 term of your employment as capital giving</p> <p>6 officer?</p> <p>7 A.But I could attend remotely.</p> <p>8 Q.So, you called on the telephone?</p> <p>9 A.Yes.</p> <p>10 Q.Just looking at D-23, did you receive a letter</p> <p>11 like D-23 for your July 1st, 2018 term?</p> <p>12 A.Yes.</p> <p>13 Q.Do you have your appointment letter for the July</p> <p>14 1, 2018 to June 30, 2019 term?</p> <p>15 A.I don't know off the top of my head. Probably.</p> <p>16 ATTORNEY DOUGHERTY:</p> <p>17 I don't think that's something that we</p> <p>18 have. So, just ask if he has it, he could provide it.</p> <p>19 ATTORNEY JUBB:</p> <p>20 Yeah. And I'll represent to you that</p> <p>21 I've produced everything I have. So, we'll do an</p> <p>22 extra search for that.</p> <p>23 BY ATTORNEY DOUGHERTY:</p> <p>24 Q.Do you have in mind an appointment letter that</p> <p>25 you received on --- or let me start again. Do you</p>	<p style="text-align: right;">Page 59</p> <p>1 have in mind an appointment letter you received for</p> <p>2 the term starting July 1, 2018?</p> <p>3 A.I do.</p> <p>4 Q.And is the format of the letter that you have in</p> <p>5 mind for the July 1, 2018, appointment the same as D-</p> <p>6 23 or is it like D-21 or something different?</p> <p>7 A.My recollection is it's more like D-23. Salary I</p> <p>8 know was different.</p> <p>9 Q.Did your salary increase again on July 1, 2018?</p> <p>10 A.Yes. It did.</p> <p>11 Q.Did anything else change with the terms of your</p> <p>12 employment?</p> <p>13 A.With the terms? No. At some point, the school</p> <p>14 instituted some bonus program. And I don't remember</p> <p>15 which year that was and how it was presented to us if</p> <p>16 it was part of that letter or if it was distributed in</p> <p>17 a meeting.</p> <p>18 Q.Okay.</p> <p>19 So, sometime during the July 1, 2018 term, the</p> <p>20 school implemented a bonus plan for capital giving</p> <p>21 officers?</p> <p>22 A.I actually think it was the previous year</p> <p>23 sometime during 2017/2018 year. But that's what I</p> <p>24 don't recall specifically.</p> <p>25 Q.Okay.</p>
<p style="text-align: right;">Page 60</p> <p>1 And you don't remember if you received a separate</p> <p>2 letter regarding the bonus program?</p> <p>3 A.I don't.</p> <p>4 Q.Did you ever receive a bonus?</p> <p>5 A.I don't believe I did.</p> <p>6 Q.How did the bonus program work just from what you</p> <p>7 remember?</p> <p>8 A.It would have been based on size of a gift if</p> <p>9 there was an excess of some number. I don't,</p> <p>10 actually, recall the others. Maybe there's a level of</p> <p>11 giving called the 1851 Society, which is just a</p> <p>12 recognition that people made a gift of at least</p> <p>13 \$1,851. It's probably an incentive based on the</p> <p>14 number of those you might have received during the</p> <p>15 course of a year. Beyond that, I can't tell you,</p> <p>16 specifically.</p> <p>17 Q.Was the bonus like a percentage of the gift</p> <p>18 amount or that amount?</p> <p>19 A.No. It's fixed dollar amounts.</p> <p>20 Q.So, it was like an incentive to get bigger gifts</p> <p>21 for the capital giving officers.</p> <p>22 Correct?</p> <p>23 A.Yes.</p> <p>24 ATTORNEY DOUGHERTY:</p> <p>25 I meant to do this before and I just</p>	<p style="text-align: right;">Page 61</p> <p>1 checked. I don't have any messages from Mr. Poulos.</p> <p>2 ATTORNEY JUBB:</p> <p>3 Okay.</p> <p>4 ATTORNEY DOUGHERTY:</p> <p>5 Sometimes, he just emails one of us and</p> <p>6 not the other.</p> <p>7 ATTORNEY JUBB:</p> <p>8 Most times.</p> <p>9 BY ATTORNEY DOUGHERTY:</p> <p>10 Q.And so, the only thing that changed with your job</p> <p>11 as capital giving officer for the July 1, 2018 term</p> <p>12 was an increased salary and maybe access to the bonus</p> <p>13 program.</p> <p>14 Is that right?</p> <p>15 A.Yes.</p> <p>16 Q.And if we can use D-21 again as reference, did</p> <p>17 you have a specific amount of campus visits you had to</p> <p>18 perform for the July 1, 2018 term?</p> <p>19 A.No.</p> <p>20 Q.Do you know how many times you visited campus?</p> <p>21 A.No. But it would be similar to 2018 ---</p> <p>22 2017/2018 with the exception that I spent that time on</p> <p>23 campus in January 2019 and early February 2019.</p> <p>24 Q.So, I struggle with the July year every time I</p> <p>25 ask a question.</p>



<p style="text-align: right;">Page 62</p> <p>1 A.School years.</p> <p>2 Q.Yeah. It's fine for me because I'm used to</p> <p>3 January to December. You're making my brain work</p> <p>4 extra hard today. And then, as it relates to the</p> <p>5 Advancement Office meetings, you could participate via</p> <p>6 telephone for the July 1, 2018 term?</p> <p>7 A.Yes.</p> <p>8 Q.And I don't think I asked you so let's start with</p> <p>9 the July 1, 2017 to June 30, 2018. Were you required</p> <p>10 to perform a specific amount of donor meetings?</p> <p>11 A.Yes. It would have been very much like what's</p> <p>12 outlined on D-21.</p> <p>13 Q.Okay.</p> <p>14 So, for the second term of your employment as</p> <p>15 capital giving officer, you were expected to complete</p> <p>16 12 to 15 donor meetings per month?</p> <p>17 A.Yes.</p> <p>18 Q.Did you complete 12 to 15 donor meetings per</p> <p>19 month during the second term of your employment as</p> <p>20 capital giving officer?</p> <p>21 A.I don't recall the number I did per month. I</p> <p>22 know that scheduling of visits was one of the areas</p> <p>23 that I was encouraged to improve, the number of</p> <p>24 visits, which is one of the reasons I was brought</p> <p>25 back. The Midwest is an area where donors are more</p>	<p style="text-align: right;">Page 63</p> <p>1 spread out. And so, a trip may not yield as many</p> <p>2 visits as it does on the east coast, for example.</p> <p>3 Q.Were you expected to complete 12 to 15 donor</p> <p>4 meetings per month during the third term of your</p> <p>5 employment as capital giving officer starting at July</p> <p>6 1, 2018?</p> <p>7 A.Yes.</p> <p>8 Q.Did you complete 12 to 15 donor meetings per</p> <p>9 month during the third term of your employment as</p> <p>10 capital giving officer?</p> <p>11 A.I don't recall numbers. I don't --- I'm sorry.</p> <p>12 Q.When you were placed on administrative leave in</p> <p>13 2019, did you stop performing donor meetings?</p> <p>14 A.Yes.</p> <p>15 Q.And you stopped visiting campus?</p> <p>16 A.Yes.</p> <p>17 Q.And you stopped participating in key on campus</p> <p>18 events.</p> <p>19 Is that right?</p> <p>20 A.Yes.</p> <p>21 Q.And you stopped participating in meetings with</p> <p>22 the Advancement Office.</p> <p>23 Correct?</p> <p>24 A.Yes.</p> <p>25 Q.As it relates to your employment during the</p>
<p style="text-align: right;">Page 64</p> <p>1 second and third terms as a capital giving officer, am</p> <p>2 I correct that your on campus visits, the key on</p> <p>3 campus events, the meetings with the Advancement</p> <p>4 Office, and the 12 to 15 donor meetings did not</p> <p>5 involve being alone with a Hill School student?</p> <p>6 ATTORNEY JUBB:</p> <p>7 I'll object to the form.</p> <p>8 THE WITNESS:</p> <p>9 Can you ask again?</p> <p>10 BY ATTORNEY DOUGHERTY:</p> <p>11 Q.Sure. We can do one at a time. So, the 12 to 15</p> <p>12 donor meetings per month you were required to perform</p> <p>13 during the second and third term of your employment as</p> <p>14 capital giving officer, did they involve being alone</p> <p>15 with a Hill School student?</p> <p>16 A.No.</p> <p>17 Q.And did your meetings with the Advancement Office</p> <p>18 --- let me start again.</p> <p>19 Did all of your meetings with the Advancement</p> <p>20 Office during the second and third term of your</p> <p>21 employment occur over the telephone?</p> <p>22 A.No.</p> <p>23 Q.Did any of the in person meetings with the</p> <p>24 Advancement Office during your second and third term</p> <p>25 as capital giving officer involve being alone with a</p>	<p style="text-align: right;">Page 65</p> <p>1 Hill School student?</p> <p>2 A.The meetings did not, no.</p> <p>3 Q.And your on campus visits and attendance at key</p> <p>4 on campus events did not involve being alone with a</p> <p>5 Hill School student.</p> <p>6 Is that correct?</p> <p>7 A.They could have involved being alone with</p> <p>8 students.</p> <p>9 Q.Okay.</p> <p>10 During your second term as capital giving</p> <p>11 officer, were you ever alone with a Hill School</p> <p>12 student?</p> <p>13 A.I haven't got a specific instance to share but</p> <p>14 it's hard to imagine that I wasn't having a</p> <p>15 conversation somewhere on campus with a student, be it</p> <p>16 the dining hall or walking across the quad where there</p> <p>17 wasn't another person present for the conversation.</p> <p>18 Q.Okay.</p> <p>19 So, you're describing the dining hall</p> <p>20 conversations and bumping into a student on campus</p> <p>21 similar to what you described during your first term.</p> <p>22 Is that right?</p> <p>23 A.Yes.</p> <p>24 Q.And so, during your second and third term when</p> <p>25 you were on campus --- let me start again.</p>

<p style="text-align: right;">Page 66</p> <p>1 During your second and third terms, you were on</p> <p>2 campus substantially less than during your first term,</p> <p>3 is that right, as capital giving officer?</p> <p>4 ATTORNEY JUBB:</p> <p>5 I'll object to the form.</p> <p>6 THE WITNESS:</p> <p>7 Probably, yes.</p> <p>8 BY ATTORNEY DOUGHERTY:</p> <p>9 Q.And so, during your second and third term as</p> <p>10 terms as capital giving officer for the Hill School,</p> <p>11 you may have bumped into students on campus or had</p> <p>12 conversations with students at the dining hall.</p> <p>13 Is that right?</p> <p>14 A.Yes.</p> <p>15 Q.You can't recall a specific instance where you</p> <p>16 were alone just you and the student alone with the</p> <p>17 Hill School student during the second or third terms</p> <p>18 of your employment at the Hill School.</p> <p>19 Is that right?</p> <p>20 A.That's right.</p> <p>21 Q.And you can't recall an instance where you were</p> <p>22 alone just you and the student during the first term</p> <p>23 of your employment as capital giving officer.</p> <p>24 Is that correct?</p> <p>25 A.I'm sorry. Could you repeat that?</p>	<p style="text-align: right;">Page 67</p> <p>1 Q.Sure. I just want to confirm and I may have</p> <p>2 asked this already but I just want to confirm while</p> <p>3 we're here that you cannot think of a specific</p> <p>4 instance where you were alone just you and the</p> <p>5 student, you were alone with a Hill School student</p> <p>6 during the first term of your employment as capital</p> <p>7 giving officer at the Hill School.</p> <p>8 Is that right?</p> <p>9 A.That's right.</p> <p>10 Q.I just want to make sure that there aren't a</p> <p>11 different number of pages.</p> <p>12 ATTORNEY DOUGHERTY:</p> <p>13 D-24.</p> <p>14 ---</p> <p>15 (Whereupon, Defendant's Exhibit 24,</p> <p>16 Performance Evaluation '16-'17, was</p> <p>17 marked for identification.)</p> <p>18 ---</p> <p>19 BY ATTORNEY DOUGHERTY:</p> <p>20 Q.And just going forward, it's okay if you want to</p> <p>21 --- like you said in one instance, if you need to</p> <p>22 reference one of the prior letters when you're</p> <p>23 answering or if you do, but can you just point out</p> <p>24 what you're looking at just so we have it clear for</p> <p>25 the record?</p>
<p style="text-align: right;">Page 68</p> <p>1 A.Okay.</p> <p>2 Q.I'm not suggesting that you have to. I'm just</p> <p>3 saying if you do in the future, just let me know what</p> <p>4 you're looking at. But right now, I'm showing you a</p> <p>5 document that I've marked as D-24. So, it's Hill Doe</p> <p>6 0273 to 76 on the bottom right. And it says, the Hill</p> <p>7 School Advancement Office Performance Evaluation, on</p> <p>8 the top of the first page. Do you know what document</p> <p>9 that I've marked as D-24?</p> <p>10 A.Yes.</p> <p>11 Q.How do you know the document that I've marked as</p> <p>12 D-24?</p> <p>13 A.It's my evaluation sheet put together by Geoff.</p> <p>14 Q.Okay.</p> <p>15 So, this is where you were describing earlier</p> <p>16 that there was written evaluation where you filled in</p> <p>17 some and then, Geoff filled in some and then, you had</p> <p>18 a meeting.</p> <p>19 Right?</p> <p>20 A.Yes.</p> <p>21 Q.So, which parts of D-24 did you fill in?</p> <p>22 A.I don't know if I did all of this or ---.</p> <p>23 Q.Did you actually type the comments in or did you</p> <p>24 maybe hand write it and give it to somebody to type</p> <p>25 up? Is that the source of confusion?</p>	<p style="text-align: right;">Page 69</p> <p>1 ATTORNEY JUBB:</p> <p>2 I'll object to the form.</p> <p>3 BY ATTORNEY DOUGHERTY:</p> <p>4 Q.Okay.</p> <p>5 Let's just do this. Let's go to the first one.</p> <p>6 It says, Job Knowledge, under Rating Factors. Do you</p> <p>7 see it? It says, Job Knowledge. And then, under</p> <p>8 rating, it says, ME, which is meets expectations.</p> <p>9 A.Yes.</p> <p>10 Q.So, did you rate yourself for job knowledge as</p> <p>11 meets expectation?</p> <p>12 A.Yes. I can see reading that that is mine.</p> <p>13 Q.Okay.</p> <p>14 And then, the comment says, ME for a new hire.</p> <p>15 Needs improvement to be my best. So, that's your</p> <p>16 comment.</p> <p>17 Right?</p> <p>18 A.Yes.</p> <p>19 Q.Did you get a form from the school that you had</p> <p>20 to type in? Or how did this get filled out, this</p> <p>21 being D-24?</p> <p>22 A.I don't know if I typed this or if I hand wrote</p> <p>23 it and it got typed. But the form would have come</p> <p>24 from Geoff. It would have gone back to Geoff. And</p> <p>25 then, Geoff and I would have met and gone over it.</p>

<p style="text-align: right;">Page 70</p> <p>1 Q.Okay.</p> <p>2 So, now that we've looked at job knowledge, the</p> <p>3 first rating --- the first four rating factors under</p> <p>4 number one, technical skills, we looked at that</p> <p>5 comment. Now, you recognize the content in the rating</p> <p>6 column and the comments column as your comments?</p> <p>7 A.Yes.</p> <p>8 Q.Your ratings of yourself and your comments.</p> <p>9 Right?</p> <p>10 A.Yes.</p> <p>11 Q.Is that the case for everything under rating and</p> <p>12 comments for technical skills, number one, quality of</p> <p>13 work, number two, which is --- those are on the first</p> <p>14 page. Number two falls onto the second page. Number</p> <p>15 three, interpersonal skills; four, communication</p> <p>16 skills; five, approach to work; six, quality of work,</p> <p>17 which goes onto the third page?</p> <p>18 A.Yes.</p> <p>19 Q.And there's like some type of handwriting in the</p> <p>20 middle on the third page of meets expectations. Do</p> <p>21 you know what that is? Is that your marking?</p> <p>22 A.That would be Geoff's initials.</p> <p>23 Q.Did you put the X there? Did you put the X</p> <p>24 there?</p> <p>25 A.I'm sure.</p>	<p style="text-align: right;">Page 71</p> <p>1 Q.Okay.</p> <p>2 So, you rated yourself as meets expectations and</p> <p>3 then, Geoff circled it and put his initials?</p> <p>4 Is that right?</p> <p>5 A.Yes. But I can't --- yeah.</p> <p>6 Q.You're just unsure whether you, actually, put a</p> <p>7 handwritten X and somebody typed it.</p> <p>8 Is that right?</p> <p>9 A.Yes.</p> <p>10 Q.I just want to make sure because you hesitated on</p> <p>11 some of it that you don't think that somebody else</p> <p>12 typed in the comments.</p> <p>13 Right?</p> <p>14 A.No.</p> <p>15 Q.It would have been somebody else, actually, type</p> <p>16 wrote them.</p> <p>17 Correct?</p> <p>18 A.I'm guessing. I typed with the exception of</p> <p>19 Geoff's comments. What I was unsure about was if</p> <p>20 Geoff's signature was regarding that he was in</p> <p>21 reference to everything above it that I had done. And</p> <p>22 that was the summary or if it was just for that</p> <p>23 overall rating.</p> <p>24 Q.Okay.</p> <p>25 And when you were pointing out Geoff's comments,</p>
<p style="text-align: right;">Page 72</p> <p>1 and we're going to get there, you were pointing to the</p> <p>2 supervisor comment section of the third page.</p> <p>3 Right?</p> <p>4 A.Yes.</p> <p>5 Q.Okay.</p> <p>6 But you rated yourself as meets expectations.</p> <p>7 Is that right?</p> <p>8 A.Yes.</p> <p>9 Q.All right.</p> <p>10 And then, the stuff under supervisor comments,</p> <p>11 those are Geoff's comments about your performance.</p> <p>12 Is that right?</p> <p>13 A.Yes. Yes.</p> <p>14 Q.And he says --- let me start again.</p> <p>15 You received these comments and were able to read</p> <p>16 them and then, you met with Geoff about them.</p> <p>17 Is that right?</p> <p>18 A.Yes. I don't recall if we met and then, he wrote</p> <p>19 the comments or if the comments came to me and then,</p> <p>20 we met. I can't tell you the order of those.</p> <p>21 Q.So, he says, Matt's first year got off to a slow</p> <p>22 start as he struggled in the first six months on how</p> <p>23 to get in front of people regularly and how to turn</p> <p>24 off the, quote, teacher/mentor, end quote, role that</p> <p>25 he knows so well and put on the CGO hat. Do you agree</p>	<p style="text-align: right;">Page 73</p> <p>1 with that comment?</p> <p>2 A.Yes.</p> <p>3 Q.And I think being remote --- and I'm still</p> <p>4 reading again the next sentence. I think being remote</p> <p>5 was part of the struggle, as Matt can go months</p> <p>6 without seeing the school and several days or weeks</p> <p>7 without having a lengthy discussion with a colleague.</p> <p>8 Do you agree with that comment?</p> <p>9 A.Yes.</p> <p>10 Q.So, were you at the campus at the Hill School</p> <p>11 less than once a month during the 2016 to 2017 term,</p> <p>12 your first term as capital giving officer?</p> <p>13 A.After Plus Delta ended, I would have been, yes.</p> <p>14 Q.So, you were not present on campus every month</p> <p>15 after the fall of 2016.</p> <p>16 Is that right?</p> <p>17 A.Correct.</p> <p>18 Q.How many times did you visit the Hill School</p> <p>19 campus after the fall of 2016 during your first term</p> <p>20 as capital giving officer? So, I guess the winter of</p> <p>21 2016 to the end of the summer as June 30th, 2017.</p> <p>22 A.I don't know off the top of my head.</p> <p>23 Q.Geoff wrote that you could go months without</p> <p>24 seeing the school. Is that a fair statement?</p> <p>25 A.It could be, yeah.</p>

<p style="text-align: right;">Page 74</p> <p>1 Q.But what's your recollection from your first term</p> <p>2 as capital giving officer?</p> <p>3 A.Regarding?</p> <p>4 Q.Whether you could go months without seeing the</p> <p>5 school.</p> <p>6 A.I think that's quite possible.</p> <p>7 Q.Okay.</p> <p>8 On to the last page of D-24. We're still in the</p> <p>9 --- actually, the supervisory comment section ends on</p> <p>10 the prior page. So, now on the last page of D-24,</p> <p>11 we're under action plan/training and development</p> <p>12 goals. And there's a box with stuff typed in it. And</p> <p>13 it says Matt and I, so these comments here on the</p> <p>14 action plan/training and development goals box are</p> <p>15 from Geoff.</p> <p>16 Is that right?</p> <p>17 A.Yes.</p> <p>18 Q.So, Mr. Neese wrote, Matt and I have discussed</p> <p>19 his return to campus to spend seven to ten days</p> <p>20 straight in the alumni house getting accustomed to how</p> <p>21 other CGO's do their work and learning more about the</p> <p>22 process. Did you spend seven to ten days straight in</p> <p>23 the alumni house as suggested by Mr. Neese?</p> <p>24 A.Yes.</p> <p>25 Q.I was really nervous about coughing right there.</p>	<p style="text-align: right;">Page 75</p> <p>1 Okay.</p> <p>2 Mr. Neese wrote in the second paragraph, we</p> <p>3 really need him to hit at least 110 visits in fiscal</p> <p>4 year '18. Did you reach 110 visits in fiscal year</p> <p>5 '18?</p> <p>6 A.I don't know.</p> <p>7 Q.And then, on the bottom or towards the bottom of</p> <p>8 the last page of D-24, there were signatures. Is the</p> <p>9 signature next to signature colon yours? Oh, I'm</p> <p>10 sorry. Never mind. There's a reviewer column that</p> <p>11 says Matt Ralston. Underneath, there is a signature.</p> <p>12 Is that your signature?</p> <p>13 A.Yes.</p> <p>14 Q.And then, to the left, there's a column that says</p> <p>15 supervisor and signature under that. And that is next</p> <p>16 to supervisor that says Geoff Neese and there's a</p> <p>17 signature under it. Do you recognize that as Mr.</p> <p>18 Neese's signature?</p> <p>19 A.Yes.</p> <p>20 Q.And it looks like there's somebody else's</p> <p>21 signature with June 26, 2017, date. Do you know whose</p> <p>22 signature that is?</p> <p>23 A.I don't.</p> <p>24 Q.Was there somebody else who participated in your</p> <p>25 evaluations?</p>
<p style="text-align: right;">Page 76</p> <p>1 A.I believe it's probably Christian Sokel.</p> <p>2 Q.Okay.</p> <p>3 So ---.</p> <p>4 A.C and then, Sokel.</p> <p>5 Q.Oh, S-O-C-L-A-L (sic)?</p> <p>6 A.Yeah. I think the C is for Christian and then,</p> <p>7 there's an S and then, his last name is spelled there.</p> <p>8 But I'm, actually, not certain.</p> <p>9 Q.Okay.</p> <p>10 Was there somebody else who participated in your</p> <p>11 evaluation?</p> <p>12 A.No.</p> <p>13 Q.What was Mr. Sokel's position?</p> <p>14 A.He is the head of advancement. So, Geoff reports</p> <p>15 to him.</p> <p>16 Q.Okay.</p> <p>17 ATTORNEY DOUGHERTY:</p> <p>18 Do you have 16? This will be 25. Oh,</p> <p>19 did I give you more than one? I did. Let me make</p> <p>20 sure I gave you the right thing.</p> <p>21 ---</p> <p>22 (Whereupon, Defendant's Exhibit 25,</p> <p>23 Performance Evaluation '17-'18, was</p> <p>24 marked for identification.)</p> <p>25 ---</p>	<p style="text-align: right;">Page 77</p> <p>1 ATTORNEY JUBB:</p> <p>2 This is the new one.</p> <p>3 Right?</p> <p>4 ATTORNEY DOUGHERTY:</p> <p>5 Yeah. I think I had --- we just had</p> <p>6 three copies of that. There's three out there.</p> <p>7 BY ATTORNEY DOUGHERTY:</p> <p>8 Q.Okay.</p> <p>9 I'm showing you a document that I've marked as D-</p> <p>10 25. It says, Hill Doe 0627 to 270, on the bottom</p> <p>11 right. It says, The Hill Advancement Office</p> <p>12 Performance Evaluation, on the top. Do you know the</p> <p>13 document that I've marked as D-25?</p> <p>14 A.Yes.</p> <p>15 Q.How do you know the document that I've marked as</p> <p>16 D-25?</p> <p>17 A.It would be my evaluation form from the next</p> <p>18 year.</p> <p>19 Q.For the ---?</p> <p>20 A.2017 to 2018.</p> <p>21 Q.Okay, right. On the right, it says, Evaluation</p> <p>22 Period, on the top left?</p> <p>23 A.Yes.</p> <p>24 Q.Is any portion of the first page your</p> <p>25 handwriting?</p>

<p style="text-align: right;">Page 78</p> <p>1 A.No.</p> <p>2 Q.Do you know whose handwriting is reflected on the</p> <p>3 first page of D-25?</p> <p>4 A.It must be Geoff's.</p> <p>5 Q.And then, you can flip to other pages. But I</p> <p>6 want to know if you can identify any comments in the</p> <p>7 evaluation reflected in D-25 that are your comments</p> <p>8 about your performance.</p> <p>9 ATTORNEY JUBB:</p> <p>10 That he wrote in the comment section?</p> <p>11 ATTORNEY DOUGHERTY:</p> <p>12 Yes. Were authored meaning he didn't</p> <p>13 specifically type them.</p> <p>14 THE WITNESS:</p> <p>15 I'm sorry. What writing?</p> <p>16 BY ATTORNEY DOUGHERTY:</p> <p>17 Q.I'm just trying to --- I want you to identify ---</p> <p>18 let's do it this way. Let's go to number one,</p> <p>19 technical skills, D-25. See those rating factors,</p> <p>20 rating comments that we looked at before on the first</p> <p>21 page under technical skills number one?</p> <p>22 A.Okay.</p> <p>23 Q.See there's rating factors, rating comments. Did</p> <p>24 you fill in the letters in the rating column like you</p> <p>25 did with the last evaluation?</p>	<p style="text-align: right;">Page 79</p> <p>1 A.Yes.</p> <p>2 Q.And the comments that are reflected in the</p> <p>3 comments column, well, there is only one, it says,</p> <p>4 still not fluent in RE queries. That's your comment</p> <p>5 about your job performance?</p> <p>6 A.Yes.</p> <p>7 Q.And that's the case for the ratings and comments</p> <p>8 in number two, which is quality of work. And if you</p> <p>9 go to the second page, number three, interpersonal</p> <p>10 skills, rating, comments. Number four, communication</p> <p>11 skills, ratings. There aren't any comments there.</p> <p>12 Number five, approach to work, quality of work, all of</p> <p>13 the letters under the rating column and the comments</p> <p>14 in the comments column, those are yours about your</p> <p>15 work performance?</p> <p>16 A.Under ratings, anything that's handwritten in</p> <p>17 ratings is not my writing.</p> <p>18 Q.And number five, there are some handwritten</p> <p>19 comments. Those are not yours?</p> <p>20 A.No.</p> <p>21 Q.And the same with six. There's handwritten</p> <p>22 comments and those are not yours?</p> <p>23 A.No.</p> <p>24 Q.Okay.</p> <p>25 So, only the items that are typed under the</p>
<p style="text-align: right;">Page 80</p> <p>1 rating and comments columns on the first and second</p> <p>2 page of D-25 are your comments about your work</p> <p>3 performance.</p> <p>4 Is that right?</p> <p>5 A.I'm sorry.</p> <p>6 Q.Sure. Only the typed content under the rating</p> <p>7 and comments columns on the first and second page of</p> <p>8 D-25 are your comments about your work performance.</p> <p>9 Is that right?</p> <p>10 A.Yes.</p> <p>11 Q.And then, on the third page of D-25, there is</p> <p>12 another --- it says, overall performance rating.</p> <p>13 There was a check next to meets expectations. Did you</p> <p>14 put that check there?</p> <p>15 A.The X?</p> <p>16 Q.Yeah.</p> <p>17 A.Yes.</p> <p>18 Q.I'm sorry. Yes. And then, there is typing in</p> <p>19 there that says, I feel that I am still learning the</p> <p>20 job. I believe my production will continue to rise.</p> <p>21 Is that a comment you wrote about your job</p> <p>22 performance?</p> <p>23 A.Yes.</p> <p>24 Q.And then, supervisor's comments, there's</p> <p>25 handwritten --- there's a box with handwriting in it.</p>	<p style="text-align: right;">Page 81</p> <p>1 The comments in supervisor comments are Mr. Neese's</p> <p>2 comments.</p> <p>3 Right?</p> <p>4 A.Yes.</p> <p>5 Q.Okay.</p> <p>6 In the middle of the handwritten comments --- let</p> <p>7 me start again. The first sentence says, Matt's</p> <p>8 second year saw huge growth in how he managed</p> <p>9 meetings, which led to more success, especially in the</p> <p>10 second half of the fiscal year. Matt has used the</p> <p>11 Plus Delta depth techniques to transition from his</p> <p>12 former teacher/mentor role into a professional</p> <p>13 fundraiser. Were you still doing Plus Delta training?</p> <p>14 A.No.</p> <p>15 Q.So, you were just --- so, Mr. Neese's comment was</p> <p>16 that you were utilizing the techniques you learned</p> <p>17 during your training at the beginning of your first</p> <p>18 term as capital giving officer.</p> <p>19 Correct?</p> <p>20 A.Yes.</p> <p>21 Q.And then, the next sentence is, Matt's work with</p> <p>22 Lane Jubb of '06 was symbolic of how much he has</p> <p>23 grown. What work did you do with Lane Jubb?</p> <p>24 A.I met with Lane as a potential donor and received</p> <p>25 a pledge for gifts.</p>

<p style="text-align: right;">Page 82</p> <p>1 Q.When did you meet with Lane as it relates to the</p> <p>2 work that Mr. Neese is commenting about?</p> <p>3 A.I think it was January of 2018. But I'm not</p> <p>4 certain.</p> <p>5 Q.Was it before you learned about the first letter</p> <p>6 by Mr. Poulos or including Mr. Poulos's accusations?</p> <p>7 A.Yes.</p> <p>8 Q.And how often did you have contact with Mr. Jubb</p> <p>9 about the work that Mr. Neese is describing in his</p> <p>10 comment that is part of D-25?</p> <p>11 A.One meeting, specifically, comes to mind and I</p> <p>12 --- other than that, it's probably phone calls because</p> <p>13 I was working remotely and he is here.</p> <p>14 Q.So, you came to Pennsylvania to meet with Mr.</p> <p>15 Jubb?</p> <p>16 A.I did. Actually, I probably came to Pennsylvania</p> <p>17 and while I was here met with Mr. Jubb.</p> <p>18 Q.It says Matt's work with Lane Jubb. What was the</p> <p>19 work?</p> <p>20 A.Soliciting a gift.</p> <p>21 Q.Okay.</p> <p>22 So, you had a meeting with Mr. Jubb and then, you</p> <p>23 had telephone contacts with Mr. Jubb about a gift?</p> <p>24 A.Yes.</p> <p>25 Q.And these contacts occurred prior to the first</p>	<p style="text-align: right;">Page 83</p> <p>1 letter that included the accusations by Mr. Poulos.</p> <p>2 Is that right?</p> <p>3 A.Yes.</p> <p>4 Q.It's somewhat close in time to the first letter.</p> <p>5 Is that right?</p> <p>6 A.Yes. Months, yes.</p> <p>7 Q.So, you had a meeting with Mr. Jubb in January of</p> <p>8 2018 and then telephone contacts?</p> <p>9 A.Yes.</p> <p>10 Q.How close in time were the telephone contacts to</p> <p>11 the meeting?</p> <p>12 A.They would have been follow ups. And I can't</p> <p>13 tell you how much time.</p> <p>14 Q.Like in January, February, did it go on for</p> <p>15 weeks, days, months?</p> <p>16 A.It could have gone months. But I don't know.</p> <p>17 Q.Had your contacts with Mr. Jubb regarding the</p> <p>18 gift ended before you received the first letter that</p> <p>19 included Mr. Poulos's accusations?</p> <p>20 A.I doubt it. I don't know but I don't think so.</p> <p>21 Q.Okay.</p> <p>22 So, you were still in --- let me start again.</p> <p>23 You were having communications with Mr. Jubb regarding</p> <p>24 a gift when you learned about the first letter that</p> <p>25 included Mr. Poulos's accusations.</p>
<p style="text-align: right;">Page 84</p> <p>1 Is that right?</p> <p>2 A.Yes.</p> <p>3 ATTORNEY JUBB:</p> <p>4 I'll object to the form now.</p> <p>5 BY ATTORNEY DOUGHERTY:</p> <p>6 Q.Did you tell Mr. Jubb about the accusations by</p> <p>7 Mr. Poulos before you retained Mr. Jubb as your</p> <p>8 lawyer?</p> <p>9 A.No.</p> <p>10 Q.Did Mr. Jubb express to you in words or</p> <p>11 substance, again, before he was your lawyer any</p> <p>12 knowledge regarding Mr. Poulos's accusations against</p> <p>13 you?</p> <p>14 A.No.</p> <p>15 Q.And it's your --- let me start again. I'm</p> <p>16 correct that there isn't an evaluation for 2018 to</p> <p>17 2019.</p> <p>18 Correct?</p> <p>19 A.Correct.</p> <p>20 Q.Did you have any type of exit interview or any</p> <p>21 contact with the Hill School at the end of your</p> <p>22 employment?</p> <p>23 A.No.</p> <p>24 Q.Did you have a meeting with anyone at the Hill</p> <p>25 School concerning the end of your employment at the</p>	<p style="text-align: right;">Page 85</p> <p>1 Hill School?</p> <p>2 A.In what sense? I knew that I was --- my</p> <p>3 employment was going to be discontinued but that was</p> <p>4 the last conversation I had with anyone.</p> <p>5 Q.When did you learn your employment was going to</p> <p>6 be discontinued?</p> <p>7 A.Probably early August 2019.</p> <p>8 Q.How did you learn in early August 2019 that your</p> <p>9 employment was going to be discontinued?</p> <p>10 A.A phone conversation with Mr. Lehman and Mrs.</p> <p>11 Gelting.</p> <p>12 Q.Mr. Lehman is the headmaster and Ms. Gelting is</p> <p>13 the human resources director.</p> <p>14 Right?</p> <p>15 A.Yes.</p> <p>16 Q.And it's Heather Gelting?</p> <p>17 A.Yes.</p> <p>18 Q.And Zachary Lehman.</p> <p>19 Right?</p> <p>20 A.Yes.</p> <p>21 Q.And it's L-E-H-M-A-N, G-E-L-T-I-N-G. Was there</p> <p>22 anyone else that participated in the telephone</p> <p>23 conversation between you, Mr. Lehman, and Ms. Gelting</p> <p>24 regarding the termination of your employment that</p> <p>25 occurred in early August 2019?</p>



<p style="text-align: right;">Page 86</p> <p>1 A.No. It was not described as a termination.</p> <p>2 Q.Okay.</p> <p>3 Who initiated the telephone contact?</p> <p>4 A.I've got an email from Heather Gelting asking if</p> <p>5 I was available to speak with her and Mr. Lehman.</p> <p>6 Q.So, you got an email --- well, let me start</p> <p>7 again. Did you have access to your Hill School email</p> <p>8 in August 2019?</p> <p>9 A.No.</p> <p>10 Q.When did you stop having access to your Hill</p> <p>11 School email?</p> <p>12 A.May 2019.</p> <p>13 Q.When you were put on leave?</p> <p>14 A.Yes.</p> <p>15 Q.So, if you were put on leave prior to May 2019,</p> <p>16 that's when your email access ended?</p> <p>17 A.Yes.</p> <p>18 Q.So, Ms. Gelting sent you an email at your</p> <p>19 personal email address?</p> <p>20 A.I believe so.</p> <p>21 Q.Do you still have that email?</p> <p>22 A.I don't know.</p> <p>23 Q.Did you look for it?</p> <p>24 A.I haven't looked for it. Can I look for it?</p> <p>25 Yes, I can.</p>	<p style="text-align: right;">Page 87</p> <p>1 Q.Do you still have access to the --- I think we</p> <p>2 went through your email addresses before but do you</p> <p>3 still have access to the email address that Ms.</p> <p>4 Gelting sent the communication to?</p> <p>5 A.Yes. What I don't know --- what I do know is</p> <p>6 what I heard from her. What I don't know is if it was</p> <p>7 a phone call or if it was an email. I was on my</p> <p>8 motorcycle. I stopped to take a break. And when I</p> <p>9 did that, there was either an email from her or a</p> <p>10 phone call from her. I can't tell you which. And I</p> <p>11 asked her --- I said of course, I can be available</p> <p>12 because that was one of the criteria of my leave was</p> <p>13 to be available when I was needed.</p> <p>14 Q.So, how did you respond to Ms. Gelting?</p> <p>15 ATTORNEY JUBB:</p> <p>16 Just to be clear, you already produced</p> <p>17 it. I can show you the Bates number.</p> <p>18 ATTORNEY DOUGHERTY:</p> <p>19 Okay.</p> <p>20 What's the Bates number?</p> <p>21 ATTORNEY JUBB:</p> <p>22 It's P36.6, August 12, 2019.</p> <p>23 THE WITNESS:</p> <p>24 So, it was an email.</p> <p>25 ATTORNEY DOUGHERTY:</p>
<p style="text-align: right;">Page 88</p> <p>1 Do you have that?</p> <p>2 BY ATTORNEY DOUGHERTY:</p> <p>3 Q.And how did you respond to Ms. Gelting?</p> <p>4 A.I told her I was available. I think I asked</p> <p>5 about having my attorney present. And she said she</p> <p>6 didn't think we needed that.</p> <p>7 Q.Did she tell you who else was going to</p> <p>8 participate in the telephone call?</p> <p>9 A.I believe she said Zach and I or Mr. Lehman and</p> <p>10 I.</p> <p>11 Q.So, the telephone call occurred sometime after</p> <p>12 August 12, 2019.</p> <p>13 Is that right?</p> <p>14 A.Yes.</p> <p>15 Q.Did the telephone discussion occur close in time</p> <p>16 to the email? Was it the next day? Was it in a week?</p> <p>17 A.It would have been relatively soon. I don't know</p> <p>18 if it was the same week or the following week but it</p> <p>19 would have been very close.</p> <p>20 Q.So, within a week or two of Ms. Gelting's email</p> <p>21 is when you had the telephone discussion with Mr.</p> <p>22 Lehman and Ms. Gelting.</p> <p>23 Correct?</p> <p>24 A.Yes.</p> <p>25 Q.And what was discussed during the telephone</p>	<p style="text-align: right;">Page 89</p> <p>1 conversation in August 2019 with Mr. Lehman and Ms.</p> <p>2 Gelting?</p> <p>3 A.Reaching an amicable, I think is the word he</p> <p>4 used, separation of my employment.</p> <p>5 Q.Is that it?</p> <p>6 A.Pretty much.</p> <p>7 Q.What did you say?</p> <p>8 A.I said, if we're headed that way, I think what</p> <p>9 you need to do is write up what that is and share it</p> <p>10 with my attorney.</p> <p>11 Q.Did Mr. Lehman tell you why, as you described ---</p> <p>12 as you said amicable separation in your employment</p> <p>13 needed to be reached?</p> <p>14 ATTORNEY JUBB:</p> <p>15 I'll object to the form. You can</p> <p>16 answer.</p> <p>17 THE WITNESS:</p> <p>18 My impression was because we were --- it</p> <p>19 appeared that things weren't going to be resolved</p> <p>20 around the accusations and the action I had taken,</p> <p>21 resolved quickly.</p> <p>22 BY ATTORNEY DOUGHERTY:</p> <p>23 Q.When you say the action you had taken, you mean</p> <p>24 the lawsuit.</p> <p>25 Right?</p>

<p style="text-align: right;">Page 90</p> <p>1 A.I do.</p> <p>2 Q.Okay.</p> <p>3 So, your impression of why --- let me start</p> <p>4 again. Mr. Lehman was, as far as you understood,</p> <p>5 speaking on behalf of the Hill School during the</p> <p>6 telephone communication in August 2019.</p> <p>7 Correct?</p> <p>8 A.Yes.</p> <p>9 Q.So, Mr. Lehman was communicating to you that the</p> <p>10 Hill School wanted to reach an amicable separation in</p> <p>11 your employment?</p> <p>12 A.Yes.</p> <p>13 Q.And it was your impression that the reason why</p> <p>14 the Hill School wanted to reach an amicable separation</p> <p>15 of your employment was because your lawsuit was not</p> <p>16 going to be resolved quickly?</p> <p>17 ATTORNEY JUBB:</p> <p>18 I'll object to the form.</p> <p>19 THE WITNESS:</p> <p>20 Yes. That was my impression at the</p> <p>21 time.</p> <p>22 BY ATTORNEY DOUGHERTY:</p> <p>23 Q.Did Mr. Lehman say anything about your lawsuit?</p> <p>24 A.No.</p> <p>25 Q.What gave you the impression? Did somebody say</p>	<p style="text-align: right;">Page 91</p> <p>1 something or do something?</p> <p>2 A.Yeah. That my situation wasn't going to be</p> <p>3 resolved quickly.</p> <p>4 Q.By situation, you mean the lawsuit.</p> <p>5 Right?</p> <p>6 ATTORNEY JUBB:</p> <p>7 Objection to form.</p> <p>8 THE WITNESS:</p> <p>9 Yes.</p> <p>10 BY ATTORNEY DOUGHERTY:</p> <p>11 Q.Was there something that happened that gave you</p> <p>12 the impression that there was a connection between the</p> <p>13 Hill School's interest in reaching an amicable</p> <p>14 separation in your employment and that the lawsuit was</p> <p>15 not going to be resolved quickly?</p> <p>16 A.A connection between the two?</p> <p>17 Q.Yeah. Is there something that happened that gave</p> <p>18 you that impression?</p> <p>19 ATTORNEY JUBB:</p> <p>20 Other than what you've already told her.</p> <p>21 THE WITNESS:</p> <p>22 I think that's what I said.</p> <p>23 BY ATTORNEY DOUGHERTY:</p> <p>24 Q.But I don't think you told me the basis for your</p> <p>25 impression. Is it just something that you thought?</p>
<p style="text-align: right;">Page 92</p> <p>1 ATTORNEY JUBB:</p> <p>2 No.</p> <p>3 THE WITNESS:</p> <p>4 No. I said that Mr. Lehman said it</p> <p>5 looks like this isn't going to be resolved quickly.</p> <p>6 BY ATTORNEY DOUGHERTY:</p> <p>7 Q.Okay.</p> <p>8 So, Mr. Lehman said that it looks like the</p> <p>9 lawsuit, meaning your lawsuit against Mr. Poulos and</p> <p>10 Mr. Garabedian was not going to be resolved quickly.</p> <p>11 Is that right?</p> <p>12 ATTORNEY JUBB:</p> <p>13 Objection to form.</p> <p>14 BY ATTORNEY DOUGHERTY:</p> <p>15 Q.That was the substance, right?</p> <p>16 A.Yes. That's the context I took the comment, yes.</p> <p>17 Q.I understand. You don't remember the exact words</p> <p>18 that Mr. Lehman used but he said something to the</p> <p>19 effect of, it looks like the lawsuit that you've</p> <p>20 commenced against Mr. Poulos and Mr. Garabedian is not</p> <p>21 going to be resolved quickly or any time soon.</p> <p>22 ATTORNEY JUBB:</p> <p>23 Objection to form.</p> <p>24 BY ATTORNEY DOUGHERTY:</p> <p>25 Q.So, the Hill School wants to reach an amicable</p>	<p style="text-align: right;">Page 93</p> <p>1 separation in your employment.</p> <p>2 Is that right?</p> <p>3 A.I don't think there was a so conditional in there</p> <p>4 but yes that was my impression. That's how I took our</p> <p>5 conversation.</p> <p>6 Q.So, it was your impression that Mr. Lehman was</p> <p>7 --- or I guess Mr. Lehman on behalf of the Hill School</p> <p>8 was connecting your lawsuit to the reason why your</p> <p>9 employment needed to end.</p> <p>10 Is that right?</p> <p>11 ATTORNEY JUBB:</p> <p>12 Objection to form.</p> <p>13 BY ATTORNEY DOUGHERTY:</p> <p>14 Q.At least it was your impression?</p> <p>15 ATTORNEY JUBB:</p> <p>16 Same objection.</p> <p>17 THE WITNESS:</p> <p>18 Yes.</p> <p>19 BY ATTORNEY DOUGHERTY:</p> <p>20 Q.Did Mr. Lehman express any other thoughts to you</p> <p>21 or comments to you?</p> <p>22 A.No.</p> <p>23 Q.Did Ms. Gelling --- I'm sorry, Ms. Gelting speak</p> <p>24 during the August 2019 telephone conversation?</p> <p>25 A.No. I think she was party to it because of her</p>



<p style="text-align: right;">Page 94</p> <p>1 role and to have a third party present. Again, but</p> <p>2 she didn't speak, no.</p> <p>3 Q.Oh, so it was your impression that Ms. Gelting</p> <p>4 was there so that Mr. Lehman had a witness?</p> <p>5 A.Sure.</p> <p>6 Q.And you said that you said, if we're headed that</p> <p>7 way that you should write it up and share with your</p> <p>8 lawyer.</p> <p>9 Is that right?</p> <p>10 A.Yes.</p> <p>11 Q.Did you say anything else to Mr. Lehman?</p> <p>12 A.No.</p> <p>13 Q.So, it was a pretty short conversation.</p> <p>14 A.A pretty short conversation.</p> <p>15 Q.Were you surprised that Mr. Lehman --- let me</p> <p>16 start again. Were you surprised by Mr. Lehman's</p> <p>17 comments?</p> <p>18 A.I don't know if that's the right word.</p> <p>19 Q.What is the right word?</p> <p>20 A.Disappointed.</p> <p>21 Q.Why were you disappointed?</p> <p>22 A.Because it was, until the first nine months or</p> <p>23 whatever the letter existed, it was my impression that</p> <p>24 the school was making every effort to resolve the</p> <p>25 situation of the allegations by engaging with Mr.</p>	<p style="text-align: right;">Page 95</p> <p>1 Garabedian and the third party attorneys with whom the</p> <p>2 school worked. And at the point that they were not</p> <p>3 getting responses or any movement there, started to</p> <p>4 distance themselves from me after the second letter.</p> <p>5 And aside from distancing themselves, I was</p> <p>6 disappointed that I believed or had up to that point</p> <p>7 that the school really did believe that the</p> <p>8 allegations were lies and false. And the decision was</p> <p>9 to end my relationship with the community.</p> <p>10 Q.Did Mr. Lehman say anything during the August</p> <p>11 2019 telephone communication that, you know, words or</p> <p>12 substance or that gave you the impression that he</p> <p>13 believed Mr. Poulos's accusations?</p> <p>14 A.No.</p> <p>15 Q.So, you were disappointed because it was your</p> <p>16 impression that the school didn't credit Mr. Poulos's</p> <p>17 allegations but was still moving to amicably separate</p> <p>18 or amicably end your employment.</p> <p>19 Is that right?</p> <p>20 A.Yes.</p> <p>21 Q.Were you disappointed that the school was trying</p> <p>22 to end --- let me start again. Were you disappointed</p> <p>23 that the school was interested in reaching an amicable</p> <p>24 separation in your employment because of your lawsuit?</p> <p>25 ATTORNEY JUBB:</p>
<p style="text-align: right;">Page 96</p> <p>1 I'll object to the form. You can</p> <p>2 answer.</p> <p>3 THE WITNESS:</p> <p>4 I don't understand.</p> <p>5 BY ATTORNEY DOUGHERTY:</p> <p>6 Q.Sure. Did you expect the school to be more</p> <p>7 supportive of you in your lawsuit or in, I think, as</p> <p>8 you expressed before clearing your name?</p> <p>9 A.I don't think expectation was part of it. I</p> <p>10 think my disappointment was because I hoped that the</p> <p>11 school would push harder for resolution prior to the</p> <p>12 lawsuit. And I was feeling like they had chosen not</p> <p>13 to and I was kind of left on my own.</p> <p>14 Q.So, you expected the school to do something to</p> <p>15 disprove Mr. Poulos's accusations?</p> <p>16 ATTORNEY JUBB:</p> <p>17 I'll object to the form.</p> <p>18 THE WITNESS:</p> <p>19 I expected Mr. Garabedian and the school</p> <p>20 to do what I would have considered an investigation</p> <p>21 that I understood third party investigations do in</p> <p>22 search of the truth and, at that point, would have</p> <p>23 reached a conclusion that the letters were based on</p> <p>24 lies and the allegations were false.</p> <p>25 BY ATTORNEY DOUGHERTY:</p>	<p style="text-align: right;">Page 97</p> <p>1 Q.From your perspective, the school didn't perform</p> <p>2 an investigation in search of the truth?</p> <p>3 ATTORNEY JUBB:</p> <p>4 I'll object to the form.</p> <p>5 THE WITNESS:</p> <p>6 I don't know what was investigated. My</p> <p>7 understanding is that they were getting a response for</p> <p>8 cooperation from Mr. Garabedian and Mr. Poulos</p> <p>9 regarding the allegations.</p> <p>10 BY ATTORNEY DOUGHERTY:</p> <p>11 Q.Right. I understand that you didn't --- because</p> <p>12 I think you confirmed this for us already in the first</p> <p>13 day of your deposition that you didn't participate in</p> <p>14 any investigation. But you said you expected Mr.</p> <p>15 Garabedian and the school to do an investigation. So,</p> <p>16 I'm just --- your expectation wasn't satisfied.</p> <p>17 Is that right?</p> <p>18 A.No.</p> <p>19 ATTORNEY JUBB:</p> <p>20 Object to form.</p> <p>21 BY ATTORNEY DOUGHERTY:</p> <p>22 Q.So, as far as your impression and as far as you</p> <p>23 knew, the school did not do an investigation in search</p> <p>24 of the truth.</p> <p>25 A.I don't know. I don't know what they did. My</p>

<p style="text-align: right;">Page 98</p> <p>1 understanding is, and I have no experience with these</p> <p>2 third party investigations, but my understanding is</p> <p>3 that it involves both the accuser and the institution</p> <p>4 or the accused. And my understanding was that there</p> <p>5 was not a cooperation trying to make that happen. And</p> <p>6 I was given that impression. And the first time I</p> <p>7 spoke with Mr. Rees in May of 2018 and my</p> <p>8 understanding in January of 2019 is that there had</p> <p>9 been no movement toward that.</p> <p>10 And that's when the school started --- it's when</p> <p>11 Mr. Lehman made his comment about not being alone with</p> <p>12 students. It's when I learned that the school's</p> <p>13 insurance company was a part of it. And so, it became</p> <p>14 clear to me that I was being distanced.</p> <p>15 Q.So, you were being distanced by the school and,</p> <p>16 at the same time, you had an impression that the</p> <p>17 school wasn't doing an appropriate investigation into</p> <p>18 the truth.</p> <p>19 A.I didn't say that. I don't know what the school</p> <p>20 is doing. What I know is what I heard from Mr. Rees</p> <p>21 was that the school wasn't getting cooperation from</p> <p>22 Mr. Garabedian or a response from Mr. Garabedian.</p> <p>23 Q.I understand. I'm just trying to understand what</p> <p>24 your issue was with how the --- just focusing on the</p> <p>25 school for a moment with what the school did. You</p>	<p style="text-align: right;">Page 99</p> <p>1 said you expected the school to do an investigation in</p> <p>2 search of the truth and that would reveal the letters</p> <p>3 were based on lies. And at some point, you must have</p> <p>4 obtained the impression that that wasn't occurring</p> <p>5 because you said your expectation of the school wasn't</p> <p>6 met. Is that right?</p> <p>7 ATTORNEY JUBB:</p> <p>8 I'll object.</p> <p>9 BY ATTORNEY DOUGHERTY:</p> <p>10 Q.I know you don't have personal knowledge of what</p> <p>11 the school did but you had an impression that led you</p> <p>12 to then file a lawsuit because whatever you expected</p> <p>13 to happen wasn't happening, correct?</p> <p>14 ATTORNEY JUBB:</p> <p>15 Objection.</p> <p>16 THE WITNESS:</p> <p>17 What I know is what my perspective was.</p> <p>18 I have no experience, as I said, in these types of</p> <p>19 investigations. And my understanding was that the</p> <p>20 school didn't give the letters credibility and was</p> <p>21 trying to do what I thought was the responsible thing</p> <p>22 to do based on what knowledge I had of, which is</p> <p>23 limited, third party investigations. And my</p> <p>24 understanding that those require both parties to</p> <p>25 participate and that wasn't happening.</p>
<p style="text-align: right;">Page 100</p> <p>1 I don't know what I think the school</p> <p>2 should have done at that point. But what it seemed to</p> <p>3 me the result was that I'm the one that got left out.</p> <p>4 And it's my name. It's my career. And I was being</p> <p>5 moved away from a community where I raised my family</p> <p>6 and spent 20 years of my life working and another 7</p> <p>7 years being a part of.</p> <p>8 BY ATTORNEY DOUGHERTY:</p> <p>9 Q.Okay.</p> <p>10 Was there something that you wanted the school to</p> <p>11 do differently in its handling of the letters?</p> <p>12 A.I don't know what --- of course, but I don't know</p> <p>13 what that is. It's what I just tried to say.</p> <p>14 Q.Basically, you wanted the school to do something</p> <p>15 more to defend your honor.</p> <p>16 Is that right?</p> <p>17 A.I don't believe it's just mine. I believe it's</p> <p>18 also the school's. If the school thinks the letters</p> <p>19 aren't credible and are lies, the school's name is</p> <p>20 attached to all of that as well. I don't know what</p> <p>21 the right answer is. What I know is I don't think</p> <p>22 it's just to let it go away. And I think when --- my</p> <p>23 perspective was there were eight or nine months from</p> <p>24 the time the first letter came that I thought I was</p> <p>25 being --- doing the right thing and leaving the</p>	<p style="text-align: right;">Page 101</p> <p>1 opportunity there for an investigation to happen by</p> <p>2 both.</p> <p>3 And when the second letter came, it was pretty</p> <p>4 clear that wasn't happening and I was the one that was</p> <p>5 getting distanced from my community.</p> <p>6 Q.So, you had the impression that the school was</p> <p>7 just letting the letters go away and then, distancing</p> <p>8 itself from you?</p> <p>9 ATTORNEY JUBB:</p> <p>10 I'll object to the form. You can</p> <p>11 answer.</p> <p>12 BY ATTORNEY DOUGHERTY:</p> <p>13 Q.I'll break it up into two. You had the</p> <p>14 impression that the school was just going to --- or</p> <p>15 was just letting the letters go away?</p> <p>16 ATTORNEY JUBB:</p> <p>17 I'll object to the form.</p> <p>18 BY ATTORNEY DOUGHERTY:</p> <p>19 Q.That's what you --- those are words you used, to</p> <p>20 just let it go away.</p> <p>21 A.Yeah. Yes.</p> <p>22 Q.You didn't think the school should just let the</p> <p>23 letters go away.</p> <p>24 Correct?</p> <p>25 A.Of course, I don't.</p>

<p style="text-align: right;">Page 102</p> <p>1 Q.And you wanted the school to clear your name and 2 its name and not let the letters go away. 3 Is that right? 4 A.Say that again. 5 Q.Right. You wanted the school to take some action 6 to clear your name as well as its own name, right, 7 rather than to just let the letters go away. 8 A.Yes. 9 Q.And when the school didn't do that, you then 10 decided to commence a lawsuit. Is that right? 11 ATTORNEY JUBB: 12 Objection to the form. 13 THE WITNESS: 14 Yes. 15 BY ATTORNEY DOUGHERTY: 16 Q.So, because the school was just letting the 17 letters go away that wasn't sufficient for you. So, 18 you decided to take legal action. Is that right? 19 ATTORNEY JUBB: 20 Objection to the form. 21 THE WITNESS: 22 Yes. 23 BY ATTORNEY DOUGHERTY: 24 Q.I think we have to take a break now. I'm sorry 25 if I pushed it right to the limit.</p>	<p style="text-align: right;">Page 103</p> <p>1 VIDEOGRAPHER: 2 The time is 12:06 p.m. Off the record. 3 OFF VIDEO 4 --- 5 (WHEREUPON, A SHORT BREAK WAS TAKEN.) 6 --- 7 ON VIDEO 8 VIDEOGRAPHER: 9 The time is 12:23. Back on the record. 10 BY ATTORNEY DOUGHERTY: 11 Q.How did you know you were still employed at the 12 Hill School in August 2019 if you didn't get a new 13 appointment letter? 14 A.I was still getting paid and I hadn't been told I 15 wasn't being renewed. 16 Q.Okay. 17 So, your appointment --- we don't have it yet but 18 you're going to look for it, the 2018 to 2019 --- July 19 1, 2018 to June 30, 2019 appointment had ended. 20 Is that right? 21 A.Correct. 22 Q.And so, how did you know you were still employed 23 at the Hill School after June 30, 2019? 24 ATTORNEY JUBB: 25 Objection to form.</p>
<p style="text-align: right;">Page 104</p> <p>1 THE WITNESS: 2 I guess I didn't think about it, except 3 that I was still getting paid and I had never been 4 through a paid leave before. So, I didn't know how 5 the transition from one year to the next really 6 worked. But I think mostly, I didn't think about it. 7 BY ATTORNEY DOUGHERTY: 8 Q.If the school completed an investigation in 9 search of the truth, I think that's how you described 10 it, would you not have commenced this lawsuit? 11 ATTORNEY JUBB: 12 Objection to the form. 13 THE WITNESS: 14 When I think about an investigation, it 15 wasn't just the Hill School. It was the Hill School 16 and Mr. Garabedian because there's the accuser and 17 there is the institution. And I expected the truth to 18 be found and them working together. 19 BY ATTORNEY DOUGHERTY: 20 Q.Okay. 21 So, if that happened, the thing you're talking 22 about, Mr. Garabedian or Mr. Poulos and the school 23 working together. 24 Is that right? 25 A.It's my understanding how those work.</p>	<p style="text-align: right;">Page 105</p> <p>1 Q.Okay. 2 So, well, you said the accuser and institution. 3 So, I guess it's, technically, Mr. Poulos and the Hill 4 School had worked together? 5 ATTORNEY JUBB: 6 Objection to the form. 7 THE WITNESS: 8 My understanding was communications with 9 the Hill School was between Mr. Garabedian and Mr. 10 Poulos --- I mean, and the school. And so, I would 11 have expected contact with the school to be strictly 12 through Mr. Poulos's attorney. 13 BY ATTORNEY DOUGHERTY: 14 Q.Okay. 15 And if that investigation, the accuser and the 16 institution working together, had occurred then, you 17 would not have commenced this lawsuit. 18 Is that right? 19 ATTORNEY JUBB: 20 Objection to form. 21 THE WITNESS: 22 I'm not sure how to answer that, except 23 that that would have been the step that I think I was 24 waiting for. And for those eight months, from the 25 time the first letter came until the next letter came,</p>

<p style="text-align: right;">Page 106</p> <p>1 I thought that would happen and it didn't.</p> <p>2 BY ATTORNEY DOUGHERTY:</p> <p>3 Q.What did you expect that that investigation would</p> <p>4 reveal?</p> <p>5 A.That I guess in the early --- in those eight</p> <p>6 months, I would have, I guess, expected that either</p> <p>7 the letter was made up --- not the letter. The</p> <p>8 accusations were made up in a lie, therefore, the</p> <p>9 letter being false or identified that Mr. Poulos had</p> <p>10 the wrong person.</p> <p>11 Q.Do you remember the years that Mr. Poulos --- let</p> <p>12 me start again. Do you remember the year that Mr.</p> <p>13 Poulos had you as his teacher?</p> <p>14 ATTORNEY JUBB:</p> <p>15 Could you clarify? Does he remember '94</p> <p>16 to '95 or does he, actually, remember teaching Mr.</p> <p>17 Poulos?</p> <p>18 ATTORNEY DOUGHERTY:</p> <p>19 Just what years ---.</p> <p>20 BY ATTORNEY DOUGHERTY:</p> <p>21 Q.Let's do it this way. Do you know what years Mr.</p> <p>22 Poulos was a student at the Hill School?</p> <p>23 A.Yes.</p> <p>24 Q.What years was Mr. Poulos a student at the Hill</p> <p>25 School?</p>	<p style="text-align: right;">Page 107</p> <p>1 A.1993/'94, 1994/'95, and 1996/'97.</p> <p>2 Q.Do you have a specific recollection of teaching</p> <p>3 Mr. Poulos or having any contact with Mr. Poulos in</p> <p>4 1993 to 1995 or 1996 to 1997?</p> <p>5 A.Other than what's already gone over in the last</p> <p>6 deposition?</p> <p>7 Q.Yes. Well, you seem to make a clarification.</p> <p>8 So, I want to make sure I understand --- I'm not</p> <p>9 missing something.</p> <p>10 A.Other than what we've discussed, no. He was in</p> <p>11 my class. I recognize that. I had contact with him</p> <p>12 when he returned to the school in 1996 because I was</p> <p>13 the director of studies, at that point and was</p> <p>14 responsible for scheduling classes for students. That</p> <p>15 would have been in the summer 1996. And he lived in</p> <p>16 our dormitory in 1996/'97.</p> <p>17 Q.Was there anyone else who taught geometry during</p> <p>18 1993 to '94 or '94 to '95 or '96 to '97?</p> <p>19 A.Yes.</p> <p>20 Q.Who else taught geometry?</p> <p>21 A.I don't know. I don't recall that.</p> <p>22 Q.So, Mr. Poulos was in your geometry class in '93</p> <p>23 to --- I'm sorry, '94 to '95.</p> <p>24 Correct?</p> <p>25 A.Yes.</p>
<p style="text-align: right;">Page 108</p> <p>1 Q.Who else taught --- let me start again. Did</p> <p>2 anyone other than you teach geometry in 1994 to 1995?</p> <p>3 A.Yes.</p> <p>4 Q.Who else taught geometry in 1994 to 1995?</p> <p>5 A.I don't know.</p> <p>6 Q.Do you not --- do you not remember the person's</p> <p>7 name but have an image of the person in your mind or</p> <p>8 just have no recollection whatsoever?</p> <p>9 A.I don't know who taught the class. If I had a</p> <p>10 picture of them in my mind, I could give you a name.</p> <p>11 But I don't know who the other teacher was or</p> <p>12 teachers.</p> <p>13 Q.So, you don't know if the other geometry teacher</p> <p>14 was even a man?</p> <p>15 A.It would have been.</p> <p>16 Q.Who were the choices?</p> <p>17 A.Wow. Willis Pierre, Mike Pentz, Matt Gettings,</p> <p>18 Fred Marshall, Larry Kelly, Frank DeLaurentes. How</p> <p>19 many is that?</p> <p>20 Q.One, two, three, four, five, six. I'll read the</p> <p>21 list back to you and see if I got ---.</p> <p>22 A.My name would be on there as well so that's</p> <p>23 seven. I think that's it.</p> <p>24 Q.Okay.</p> <p>25 So, Willis Pierre, Mike Pentz, Matt Gettings,</p>	<p style="text-align: right;">Page 109</p> <p>1 Fred Marshall, Larry Kelly, Frank DeLaurentes, you.</p> <p>2 A.There is one more. Give me a second. Wayne</p> <p>3 Marge.</p> <p>4 Q.Did you say Marge?</p> <p>5 A.Yeah, M-A-R-G-E.</p> <p>6 Q.Okay.</p> <p>7 A.And there was also a teacher named Rob Dougherty.</p> <p>8 And Rob was not at the school very long. Wayne --- I</p> <p>9 can't tell you when Rob and Wayne left the school</p> <p>10 precisely. But those were the people that were</p> <p>11 teaching in the Math Department around that time</p> <p>12 period. I'm guessing Wayne Marge and Rob Dougherty</p> <p>13 were not at the school in '97, for example, '96/'97.</p> <p>14 But I can't tell you specifically.</p> <p>15 Q.Okay.</p> <p>16 So, it would have been one of these gentlemen who</p> <p>17 was the other geometry teacher in 1994 to '95.</p> <p>18 Is that right?</p> <p>19 A.One of the other geometry teachers, yes.</p> <p>20 Q.Oh, teachers, okay. So, it could have been more</p> <p>21 than one other geometry teacher in 1994 to '95?</p> <p>22 A.Yes.</p> <p>23 Q.And any of the options --- let me start again.</p> <p>24 The only options would be from this list. Willis</p> <p>25 Pierre, Mike Pentz, Matt Gettings, Fred Marshall,</p>

<p style="text-align: right;">Page 110</p> <p>1 Larry Kelly, Frank DeLaurentes, you, Wayne Marge, and</p> <p>2 Rob Dougherty.</p> <p>3 A.I'm pretty sure.</p> <p>4 Q.Did any of these gentlemen look like you?</p> <p>5 A.I don't think so.</p> <p>6 Q.Were any of them close in age to you?</p> <p>7 A.Yes. Frank's close in age, looked nothing like</p> <p>8 me. Matt Gettings is a little younger, relatively</p> <p>9 close. Wayne Marge is probably close in age. Who</p> <p>10 else did I say? Willis is not, Mike is not.</p> <p>11 Q.Willis Pierre, Mike Pentz, Fred Marshall, Larry</p> <p>12 Kelly, and Rob Dougherty.</p> <p>13 A.Those would be the only ones close to me in age.</p> <p>14 Q.Matt Gettings, Wayne Marge, and Frank</p> <p>15 DeLaurentes.</p> <p>16 A.Yes.</p> <p>17 Q.And Matt Gettings, Frank DeLaurentes, Wayne Marge</p> <p>18 did not look like you to any extent. You sort of</p> <p>19 laughed when I asked that question.</p> <p>20 A.I think it would be hard to confuse us.</p> <p>21 Q.Okay.</p> <p>22 You previously described yourself, a confirmed</p> <p>23 description of you as tall and lanky at the time.</p> <p>24 Is that right? And the time being '94 to '95?</p> <p>25 A.Yeah. Yes.</p>	<p style="text-align: right;">Page 111</p> <p>1 Q.Was there another male teacher at the Hill School</p> <p>2 during that time period, 1994 to 1995, who could be</p> <p>3 confused with you?</p> <p>4 A.Not from my perspective. The only other person</p> <p>5 I've ever been told was confused as me is a gentleman</p> <p>6 named Mark Nelson. It would be hard to describe him</p> <p>7 as lanky.</p> <p>8 Q.So, you can't --- you mentioned that --- or</p> <p>9 testified rather that you expected that a real</p> <p>10 investigation that was cooperative with the accuser</p> <p>11 and the institution, the Hill School, would have</p> <p>12 revealed either that the letters were lied and made up</p> <p>13 or identified the wrong person.</p> <p>14 Right?</p> <p>15 A.Yes.</p> <p>16 Q.And so, you can't think of who you would have</p> <p>17 been confused with or misidentified with?</p> <p>18 A.No. Not that teaches math.</p> <p>19 Q.How about any teacher?</p> <p>20 A.Mark Nelson is the only one. And he did not ---</p> <p>21 and I --- again, he didn't teach math. I don't think</p> <p>22 we look alike but you're asking what others see.</p> <p>23 Q.What did Mark Nelson teach?</p> <p>24 A.Science.</p> <p>25 Q.Is Mark Nelson still with the Hill School?</p>
<p style="text-align: right;">Page 112</p> <p>1 A.He is.</p> <p>2 Q.Does Mr. Nelson still teach science?</p> <p>3 A.As far as I know.</p> <p>4 Q.Has Mr. Nelson, as far as you know, ever been</p> <p>5 accused of inappropriate contact with a student?</p> <p>6 A.Not that I know.</p> <p>7 Q.Did you ever suggest to Mr. Rees or anyone else</p> <p>8 at the school that perhaps Mr. Poulos had</p> <p>9 misidentified you?</p> <p>10 A.I don't think so.</p> <p>11 Q.Did you ever suggest to Mr. Rees or anyone at the</p> <p>12 school that Mr. Poulos had misidentified you with Mr.</p> <p>13 Nelson?</p> <p>14 A.No.</p> <p>15 Q.So, your responses or comments to Mr. Rees and</p> <p>16 the Hill School about the letters were, essentially,</p> <p>17 that they were lies and made up.</p> <p>18 Is that right?</p> <p>19 A.Yes.</p> <p>20 Q.And you expected that an investigation that was</p> <p>21 cooperative with Mr. Poulos and/or Mr. Garabedian on</p> <p>22 the one hand and the Hill School on the other would</p> <p>23 reveal that the letter --- letters rather were lies</p> <p>24 and made up.</p> <p>25 Is that right?</p>	<p style="text-align: right;">Page 113</p> <p>1 A.Yes, except that what I said if --- if he had the</p> <p>2 wrong person. I don't --- in my mind, when I say the</p> <p>3 wrong person, I wasn't limiting it to people that he</p> <p>4 may have had a --- been abused by were necessarily at</p> <p>5 Hill. I just know it wasn't me. And if he had made a</p> <p>6 mistake, I figured --- as opposed to lying, it would</p> <p>7 have come out.</p> <p>8 Q.Have you read or watched any of the testimony by</p> <p>9 Mr. Poulos in this action?</p> <p>10 A.I have read clips. Beyond that, no.</p> <p>11 Q.What clips of Mr. Poulos's testimony have you</p> <p>12 read?</p> <p>13 A.I can't tell you, specifically, what I read.</p> <p>14 What was shared with me by my attorney but ---.</p> <p>15 Q.Did you read Mr. Poulos's description of the</p> <p>16 abuse that he sustained when he was a child?</p> <p>17 A.His description of the abuse?</p> <p>18 Q.Yes.</p> <p>19 A.In the letters.</p> <p>20 Q.How about in his testimony? Let me start again.</p> <p>21 Did you read Mr. Poulos's testimony about the abuse?</p> <p>22 A.I don't think so.</p> <p>23 Q.Do you remember anything about the testimony by</p> <p>24 Mr. Poulos that you read? I realize you might not be</p> <p>25 able to recite it.</p>

<p style="text-align: right;">Page 114</p> <p>1 A.No. I'm sure it must have been part that was</p> <p>2 about me that upset me. As far as the nature of the</p> <p>3 abuse, I immediately think of both letters.</p> <p>4 Q.Okay.</p> <p>5 But I'm just asking now to try to learn what</p> <p>6 testimony by Mr. Poulos you read.</p> <p>7 A.And I don't remember. I don't recall.</p> <p>8 Q.You don't remember anything about the testimony</p> <p>9 by Mr. Poulos that you read?</p> <p>10 A.I do not.</p> <p>11 Q.Did you do any independent investigation to</p> <p>12 determine whether Mr. Poulos was telling the truth</p> <p>13 about being abused but had simply incorrectly</p> <p>14 identified you?</p> <p>15 A.No.</p> <p>16 Q.Did it concern you when you filed this lawsuit</p> <p>17 that you were identifying Mr. Poulos by name?</p> <p>18 A.I'm sorry?</p> <p>19 Q.Did it concern you when you filed this lawsuit</p> <p>20 that you were identifying Mr. Poulos by name?</p> <p>21 A.Not at that point. I think when the second</p> <p>22 letter came out, I thought I had done my --- I thought</p> <p>23 there had been a long enough period of time in order</p> <p>24 for him to want to participate in sorting out his</p> <p>25 allegations and who had done it rather than blaming me</p>	<p style="text-align: right;">Page 115</p> <p>1 if somebody else had done it. And, at that point, I</p> <p>2 was not concerned at all.</p> <p>3 Q.Was there a point in time where you became</p> <p>4 convinced that Mr. Poulos was just lying as compared</p> <p>5 to misidentifying you?</p> <p>6 A.I think absolutely when the second letter came.</p> <p>7 It was clear to me that he was lying. I don't know if</p> <p>8 you want to consider it doubling down. But was not</p> <p>9 participating and sent a second letter.</p> <p>10 Q.So, after the second letter, you reached the</p> <p>11 conclusion that Mr. Poulos was lying about being</p> <p>12 abused?</p> <p>13 A.I reached a conclusion that Mr. Poulos was lying</p> <p>14 about being abused by me.</p> <p>15 Q.So, after you received the second letter, you</p> <p>16 believed that it was possible that Mr. Poulos was</p> <p>17 still misidentifying you, that he had in fact been</p> <p>18 abused but not by you?</p> <p>19 ATTORNEY JUBB:</p> <p>20 Object to the form.</p> <p>21 THE WITNESS:</p> <p>22 I took it --- I quit thinking about</p> <p>23 whether or not he had been at that point. I knew he</p> <p>24 hadn't been by me so I knew it was a lie. And that's</p> <p>25 where my attention and my concern went.</p>
<p style="text-align: right;">Page 116</p> <p>1 BY ATTORNEY DOUGHERTY:</p> <p>2 Q.So, it didn't concern you that you were</p> <p>3 identifying the potential victim of sexual abuse by</p> <p>4 name in a public filing?</p> <p>5 ATTORNEY JUBB:</p> <p>6 Objection to form.</p> <p>7 THE WITNESS:</p> <p>8 No.</p> <p>9 BY ATTORNEY DOUGHERTY:</p> <p>10 Q.Is there a reason why you didn't identify</p> <p>11 yourself?</p> <p>12 A.I was still an employee of the school. And I was</p> <p>13 hoping that things would resolve and I would be able</p> <p>14 to maintain my relationship with the community that I</p> <p>15 had spent better than 20 years building and enjoying.</p> <p>16 Q.Well, you're not an employee of the school</p> <p>17 anymore but you haven't identified yourself by name in</p> <p>18 the lawsuit.</p> <p>19 A.I can't speak to that. That's out of my realm.</p> <p>20 Q.So, you don't now have any reason not to identify</p> <p>21 yourself by name in the lawsuit?</p> <p>22 ATTORNEY JUBB:</p> <p>23 Object to the form. You can answer.</p> <p>24 THE WITNESS:</p> <p>25 I don't think so. I'm not so naive as</p>	<p style="text-align: right;">Page 117</p> <p>1 to know that if --- when we go to trial in January</p> <p>2 that my name won't be known.</p> <p>3 BY ATTORNEY DOUGHERTY:</p> <p>4 Q.Well, if you're so convinced that Mr. Poulos is a</p> <p>5 liar and has falsely accused you of abuse and that</p> <p>6 you're trying to clear your name then, why aren't you</p> <p>7 doing it in the open?</p> <p>8 A.I think I've answered that.</p> <p>9 ATTORNEY JUBB:</p> <p>10 He just said that. Why don't you answer</p> <p>11 again?</p> <p>12 COURT REPORTER:</p> <p>13 I'm sorry?</p> <p>14 ATTORNEY JUBB:</p> <p>15 I said he can answer again.</p> <p>16 THE WITNESS:</p> <p>17 I said I didn't in the beginning because</p> <p>18 I was still an employee and working at the school when</p> <p>19 we filed the lawsuit. And I was trying to protect</p> <p>20 that and my relationship there. And after that, I</p> <p>21 can't answer it because that's not my realm of</p> <p>22 decision making.</p> <p>23 BY ATTORNEY DOUGHERTY:</p> <p>24 Q.Okay.</p> <p>25 So, what I'm getting at is it's been almost two</p>



<p style="text-align: right;">Page 118</p> <p>1 years, right, since the ---?</p> <p>2 A.I know how long it's been. Sorry.</p> <p>3 Q.That's okay. So, it's been almost two years</p> <p>4 since your employment ended and you haven't identified</p> <p>5 yourself in the lawsuit.</p> <p>6 Is that right?</p> <p>7 A.That's my understanding, yes.</p> <p>8 Q.You said that you know how long it's been. Is</p> <p>9 the lawsuit upsetting to you?</p> <p>10 A.Say again?</p> <p>11 Q.You sort of looked like you had extra comments to</p> <p>12 make there in reaction to how long the lawsuit has</p> <p>13 been doing on. You said, I know how long it's been.</p> <p>14 Is the lawsuit upsetting to you?</p> <p>15 A.The whole situation is upsetting to me. It's</p> <p>16 been three and a half years since the first letter was</p> <p>17 sent. And that's the day my world changed. And the</p> <p>18 lawsuit is, actually, the point at which I decided I</p> <p>19 was going to try and put my voice out there and seek</p> <p>20 the truth.</p> <p>21 Q.So, you think your voice is out there by</p> <p>22 identifying yourself as a John Doe?</p> <p>23 A.I think my voice is out there by taking action.</p> <p>24 As far as why I'm still a John Doe, I think I've said</p> <p>25 this as clearly as I can say it. I don't know why I</p>	<p style="text-align: right;">Page 119</p> <p>1 still am. It's not my realm.</p> <p>2 Q.How did you believe the investigation that you</p> <p>3 wanted to occur, again, cooperatively with the accuser</p> <p>4 and institution would result in revealing that Mr.</p> <p>5 Poulos was lying?</p> <p>6 ATTORNEY JUBB:</p> <p>7 Objection to form.</p> <p>8 THE WITNESS:</p> <p>9 How do I think it would have done that?</p> <p>10 BY ATTORNEY DOUGHERTY:</p> <p>11 Q.Yeah.</p> <p>12 A.I think my record and my career and my reputation</p> <p>13 within the school community speak to all of that.</p> <p>14 There are no other --- ever been any concerns about</p> <p>15 me. And quite the contrary. My career was --- my</p> <p>16 career was, in many ways, charmed.</p> <p>17 Q.Charmed did you say?</p> <p>18 A.I found my right place to ---.</p> <p>19 Q.Did you say charmed?</p> <p>20 A.I did.</p> <p>21 Q.Okay, thank you.</p> <p>22 A.I found the right environment in which to teach</p> <p>23 in a style that I wanted, in an environment that was</p> <p>24 what my wife and I hoped to find for raising our</p> <p>25 family. And that was the Hill School.</p>
<p style="text-align: right;">Page 120</p> <p>1 Q.When was the last time you taught at the Hill</p> <p>2 School?</p> <p>3 A. I'm sorry?</p> <p>4 Q.When was the last time you taught at the Hill</p> <p>5 School?</p> <p>6 A.Taught?</p> <p>7 Q.Uh-huh (yes).</p> <p>8 A.2008/2009.</p> <p>9 Q.And was that the last time you taught period?</p> <p>10 A.No. I taught some classes when I was headmaster</p> <p>11 at the Leelanau School.</p> <p>12 Q.Each year you were the headmaster?</p> <p>13 A.Beg pardon?</p> <p>14 Q.Did you teach classes each year you were the</p> <p>15 headmaster at the Leelanau School?</p> <p>16 A.No.</p> <p>17 COURT REPORTER:</p> <p>18 I'm sorry. What's the name of that</p> <p>19 school?</p> <p>20 THE WITNESS:</p> <p>21 L-E-E-L-A-N-A-U.</p> <p>22 BY ATTORNEY DOUGHERTY:</p> <p>23 Q.When did you teach classes at the Leelanau</p> <p>24 School?</p> <p>25 A.I can't tell you years. I can tell you there was</p>	<p style="text-align: right;">Page 121</p> <p>1 a teacher that left at spring break one year. I</p> <p>2 covered his classes for the remainder of that year.</p> <p>3 And when teachers were out that taught math, I would</p> <p>4 often fill in for them.</p> <p>5 Q.So, you acted as a substitute teacher at Leelanau</p> <p>6 School when you were the headmaster?</p> <p>7 A.Yes.</p> <p>8 Q.So, you didn't teach a regular course at the</p> <p>9 Leelanau School.</p> <p>10 Is that right?</p> <p>11 A.The spring semester that I taught was indeed a</p> <p>12 regular course. And I was the teacher every day in</p> <p>13 that year of that semester.</p> <p>14 Q.You're talking about the semester when the</p> <p>15 teacher left during spring break.</p> <p>16 A.I am.</p> <p>17 Q.What class was that?</p> <p>18 A.I think it's Algebra 2.</p> <p>19 Q.So, other than teaching algebra --- and you can't</p> <p>20 remember the year that you taught Algebra 2 at the</p> <p>21 Leelanau School.</p> <p>22 Is that right?</p> <p>23 A.Yes.</p> <p>24 Q.So, other than teaching Algebra 2 and acting as a</p> <p>25 substitute teacher when teachers who taught math were</p>

<p style="text-align: right;">Page 122</p> <p>1 out, that's the extent of your teaching at the</p> <p>2 Leelanau School.</p> <p>3 Is that right?</p> <p>4 A. Correct.</p> <p>5 Q. You described your career as charmed. But your</p> <p>6 description of charmed was an environment that ended</p> <p>7 in 2008/2009. So, I'm just trying to reconcile that</p> <p>8 with the connection to the subject matter of this</p> <p>9 lawsuit.</p> <p>10 ATTORNEY JUBB:</p> <p>11 Objection to the form.</p> <p>12 THE WITNESS:</p> <p>13 Can you ask it again?</p> <p>14 BY ATTORNEY DOUGHERTY:</p> <p>15 Q. Sure. Was your career still charmed in 2016 to</p> <p>16 2019?</p> <p>17 A. Yes.</p> <p>18 Q. How was your career charmed in 2016 to 2019?</p> <p>19 A. Well, I'll say 2016 to the spring of 2018 when</p> <p>20 the letters arrived. It was an opportunity to end my</p> <p>21 career at a place I loved working with students, many</p> <p>22 of whom I built relationships with since the early and</p> <p>23 mid-'90s doing work that was important to them as</p> <p>24 alumni and to the school as trying to move the school</p> <p>25 forward financially.</p>	<p style="text-align: right;">Page 123</p> <p>1 Q. Was taking --- let me start again. You took a</p> <p>2 pay cut when you stepped down as the headmaster of</p> <p>3 Leelanau.</p> <p>4 A. I did.</p> <p>5 Q. Was it a substantial pay cut?</p> <p>6 A. Yeah.</p> <p>7 Q. How much did you make when you left Leelanau?</p> <p>8 A. I would say the year I left, I was making</p> <p>9 \$120,000. The year I started at Hill, I made \$68,000</p> <p>10 plus benefits that exist at Hill that didn't exist at</p> <p>11 Leelanau. So, that would be retirement, for the most</p> <p>12 part, which was a nine percent contribution. So,</p> <p>13 whatever 68 times 0.09. When I left, I was making</p> <p>14 \$81,000 still with the benefits. So, the first year,</p> <p>15 seven-twelfths or whatever, eight-twelfths, two-thirds</p> <p>16 of a pay cut or one-third pay cut.</p> <p>17 Q. You were making \$81,000 in 2019 when your</p> <p>18 employment ended with the Hill School?</p> <p>19 A. Yes. 2018/2019, my salary was \$81,000.</p> <p>20 Q. Can you look at D-23 again? I guess I don't want</p> <p>21 to show you my notes. Yes. It's the June 19, 2017,</p> <p>22 appointment letter.</p> <p>23 A. Yeah.</p> <p>24 Q. So, we're looking at D-23 June 19, 2017</p> <p>25 appointment letter.</p>
<p style="text-align: right;">Page 124</p> <p>1 Right?</p> <p>2 A. Yes.</p> <p>3 Q. So, this is your appointment letter for July 1,</p> <p>4 2017 to June 30, 2018.</p> <p>5 Is that right?</p> <p>6 A. Yes.</p> <p>7 Q. And your salary from July 1, 2017 to June 30,</p> <p>8 2018 is \$73,100.</p> <p>9 Is that right?</p> <p>10 A. Yes.</p> <p>11 Q. And the first letter was sent in April 2018.</p> <p>12 Right?</p> <p>13 A. Yes.</p> <p>14 Q. So, you agree with me that the first letter that</p> <p>15 included Mr. Poulos's accusations against you was sent</p> <p>16 during this term, the term that is reflected in D-23.</p> <p>17 Is that correct?</p> <p>18 A. Yes.</p> <p>19 Q. So, then you received a raise effective July 1,</p> <p>20 2018 to \$81,000?</p> <p>21 A. Yes.</p> <p>22 Q. You can go back to D-25.</p> <p>23 A. Okay.</p> <p>24 Q. Do you agree that this is the performance</p> <p>25 evaluation for the evaluation period July 1, 2017 to</p>	<p style="text-align: right;">Page 125</p> <p>1 July 30, 2018.</p> <p>2 Correct?</p> <p>3 A. Yes.</p> <p>4 ATTORNEY JUBB:</p> <p>5 I think you mean June 30.</p> <p>6 ATTORNEY DOUGHERTY:</p> <p>7 Oh, did I say it wrong?</p> <p>8 BY ATTORNEY DOUGHERTY:</p> <p>9 Q. So, the evaluation period is July 1, 2017 to June</p> <p>10 30, 2018.</p> <p>11 Is that right?</p> <p>12 A. Yes.</p> <p>13 Q. So, you agree with me that the evaluation period</p> <p>14 reflected in the performance evaluation that has been</p> <p>15 marked as D-25 included --- let me start again.</p> <p>16 You agree with me that during the evaluation</p> <p>17 period reflected in the performance evaluation that's</p> <p>18 been marked as D-25, the first letter by Mr. Poulos</p> <p>19 --- I lost my question. Let me start again.</p> <p>20 You agree with me that the first letter by Mr.</p> <p>21 Poulos was sent to the school during the evaluation</p> <p>22 period reflected in the performance evaluation that's</p> <p>23 been marked as D-25.</p> <p>24 Is that right?</p> <p>25 A. The letter from Mr. Garabedian, yes.</p>



<p style="text-align: right;">Page 126</p> <p>1 Q.Okay.</p> <p>2 You agree with me that nowhere in this</p> <p>3 performance evaluation that's been marked as D-25 is</p> <p>4 there any reference to accusations of sexual abuse by</p> <p>5 you against a former student.</p> <p>6 Is that right?</p> <p>7 A. In this?</p> <p>8 Q.Yes.</p> <p>9 A.No. There is not.</p> <p>10 Q.This being D-25.</p> <p>11 Correct?</p> <p>12 A.Correct.</p> <p>13 Q.Okay.</p> <p>14 So, the first letter that included Mr. Poulos's</p> <p>15 accusations did not impact your performance</p> <p>16 evaluation.</p> <p>17 Is that correct?</p> <p>18 A.That's correct.</p> <p>19 Q.In fact, you received a substantial raise</p> <p>20 effective July 1, 2018.</p> <p>21 Is that correct?</p> <p>22 A.Yes.</p> <p>23 Q.In fact, the raise that you received effective</p> <p>24 July 1, 2018, was more than the raise that you</p> <p>25 received between your first and second term.</p>	<p style="text-align: right;">Page 127</p> <p>1 Is that right? And you can look at your letters</p> <p>2 if you'd like.</p> <p>3 A.Yes.</p> <p>4 Q.So, you started the first term, July 1, 2016,</p> <p>5 with a salary of \$68,000 and then, received a \$5,100</p> <p>6 raise for your second term effective July 1, 2017.</p> <p>7 Correct?</p> <p>8 A.Yes.</p> <p>9 Q.And then, your raise effective July 1, 2018, you</p> <p>10 went from \$73,100 to \$81,000.</p> <p>11 Right?</p> <p>12 A.Yes.</p> <p>13 Q.And the bonus program started sometime during the</p> <p>14 second term or maybe the third term?</p> <p>15 A.Yes.</p> <p>16 Q.So, in addition to getting a larger raise</p> <p>17 effective July 1, 2018, you also had access to the</p> <p>18 bonus program.</p> <p>19 Is that right?</p> <p>20 A.Yes.</p> <p>21 Q.And Mr. Poulos's accusations of sexual misconduct</p> <p>22 by you or sexual abuse by you to him didn't affect</p> <p>23 your access to the bonus program.</p> <p>24 Is that right?</p> <p>25 ATTORNEY JUBB:</p>
<p style="text-align: right;">Page 128</p> <p>1 I'll object to the form.</p> <p>2 THE WITNESS:</p> <p>3 No. Yes, yes.</p> <p>4 BY ATTORNEY DOUGHERTY:</p> <p>5 Q.Okay.</p> <p>6 So, Mr. Poulos's accusations did not affect your</p> <p>7 access to the bonus program?</p> <p>8 A.No, it did not.</p> <p>9 Q.Did you receive another increase in salary in</p> <p>10 2019?</p> <p>11 A.No.</p> <p>12 Q.You describe your return to Hill as the place</p> <p>13 where you wanted to end your career. Were you</p> <p>14 planning on retiring?</p> <p>15 A.From there?</p> <p>16 Q.Yes.</p> <p>17 A.Yes.</p> <p>18 Q.Did you have a timeframe in which you intended to</p> <p>19 retire?</p> <p>20 A.No.</p> <p>21 Q.So, it's your belief that an investigation that</p> <p>22 involved cooperation with Mr. Poulos, the accuser and</p> <p>23 the institution, the Hill School would have revealed</p> <p>24 that Mr. Poulos was lying because of your reputation</p> <p>25 and standing at the Hill School.</p>	<p style="text-align: right;">Page 129</p> <p>1 Is that right?</p> <p>2 ATTORNEY JUBB:</p> <p>3 Objection to the form.</p> <p>4 THE WITNESS:</p> <p>5 Yeah. I think that's what I said, yes.</p> <p>6 BY ATTORNEY DOUGHERTY:</p> <p>7 Q.So, you thought that an investigation would</p> <p>8 reveal that you should be believed over Mr. Poulos.</p> <p>9 Is that right?</p> <p>10 A.Yes.</p> <p>11 Q.So, you don't believe that the investigation</p> <p>12 would have revealed some type of evidence, for</p> <p>13 example, a videotape or a witness.</p> <p>14 Is that right?</p> <p>15 A.No.</p> <p>16 Q.So, as far as you know, the only way to determine</p> <p>17 who is telling the truth is to just decide whether we</p> <p>18 believe you or Mr. Poulos?</p> <p>19 ATTORNEY JUBB:</p> <p>20 Objection to the form.</p> <p>21 COURT REPORTER:</p> <p>22 Can you say that a little louder?</p> <p>23 ATTORNEY JUBB:</p> <p>24 Objection to form.</p> <p>25 COURT REPORTER:</p>

<p style="text-align: right;">Page 130</p> <p>1 Thank you.</p> <p>2 THE WITNESS:</p> <p>3 I don't believe that's how an</p> <p>4 investigation should work just he said/she said. I</p> <p>5 don't know. I've never been involved with one so I</p> <p>6 don't know the questions that are asked. But I think,</p> <p>7 in my mind if I'm thinking about people you would</p> <p>8 speak with, it's more than just that. It's</p> <p>9 credibility from my supervisors, the headmaster, if</p> <p>10 they talked to other faculty members, to other</p> <p>11 students. I don't know how it could have ended any</p> <p>12 other way.</p> <p>13 BY ATTORNEY DOUGHERTY:</p> <p>14 Q.I'm sorry. So, the only evidence that would have</p> <p>15 been revealed is what you said and what Mr. Poulos</p> <p>16 said.</p> <p>17 Right?</p> <p>18 ATTORNEY JUBB:</p> <p>19 Objection to the form.</p> <p>20 THE WITNESS:</p> <p>21 I don't know what would have been</p> <p>22 revealed.</p> <p>23 BY ATTORNEY DOUGHERTY:</p> <p>24 Q.Are you aware of a videotape of you and Mr.</p> <p>25 Poulos interacting?</p>	<p style="text-align: right;">Page 131</p> <p>1 A.No.</p> <p>2 Q.Are you aware of any witnesses to you and Mr.</p> <p>3 Poulos interacting?</p> <p>4 A.No.</p> <p>5 Q.So, what did you think that the investigation</p> <p>6 would reveal other than who to believe?</p> <p>7 ATTORNEY JUBB:</p> <p>8 Objection to the form.</p> <p>9 THE WITNESS:</p> <p>10 I don't know how --- I don't know how to</p> <p>11 answer that because I don't know what there could</p> <p>12 possibly be. There isn't anything about interactions.</p> <p>13 There's probably a picture in a yearbook from a dorm.</p> <p>14 There's nothing that could be revealed about me that</p> <p>15 would support my abusing any student let alone --- or</p> <p>16 mistreating any student let alone Mr. Poulos.</p> <p>17 BY ATTORNEY DOUGHERTY:</p> <p>18 Q.Is there any information that you believe the</p> <p>19 school's investigation would have revealed that hasn't</p> <p>20 been revealed during this litigation?</p> <p>21 A.From --- what was the last part?</p> <p>22 Q.During this litigation.</p> <p>23 A.I don't know what they've done.</p> <p>24 Q.You wanted the school to do something more,</p> <p>25 right, an investigation. So, I'm just trying to learn</p>
<p style="text-align: right;">Page 132</p> <p>1 what you thought that would reveal.</p> <p>2 ATTORNEY JUBB:</p> <p>3 Objection to the form.</p> <p>4 BY ATTORNEY DOUGHERTY:</p> <p>5 Q.And to make sure that there's not some piece of</p> <p>6 evidence we don't know about that you think the school</p> <p>7 should have located.</p> <p>8 A.No.</p> <p>9 ATTORNEY JUBB:</p> <p>10 Objection to form.</p> <p>11 THE WITNESS:</p> <p>12 There's no information that I believe</p> <p>13 the school should have located other than my record,</p> <p>14 interviews with people that would support my</p> <p>15 relationship with students throughout my career if</p> <p>16 that's the way it goes, as well as my relationship</p> <p>17 with faculty and anybody else in the community.</p> <p>18 BY ATTORNEY DOUGHERTY:</p> <p>19 Q.We talked about the August 2019 telephone</p> <p>20 discussion with Mr. Lehman and Ms. Gelting. Did you</p> <p>21 have any other telephone --- let me start again. Did</p> <p>22 you have any other communications with anyone from the</p> <p>23 Hill School regarding the end of your employment with</p> <p>24 the Hill School other than the telephone communication</p> <p>25 in August 2019 with Mr. Lehman and Ms. Gelting? Am I</p>	<p style="text-align: right;">Page 133</p> <p>1 saying that wrong?</p> <p>2 A.Gelting.</p> <p>3 Q.Gelting. Okay.</p> <p>4 A.Only regarding COBRA. I hadn't received any</p> <p>5 information regarding COBRA. And so, I sent a note, I</p> <p>6 believe, asking about it.</p> <p>7 Q.So, after the August 2019 telephone call with Mr.</p> <p>8 Lehman and Ms. Gelting, the communications regarding</p> <p>9 your separation from the Hill School were between the</p> <p>10 Hill School and your lawyer?</p> <p>11 A.Yes.</p> <p>12 Q.How about prior to August 2019? Did you have any</p> <p>13 discussions with anyone at the Hill School regarding</p> <p>14 your separation from the Hill School?</p> <p>15 A.No.</p> <p>16 Q.Did you have any communications with anyone from</p> <p>17 the Hill School regarding your administrative leave?</p> <p>18 A.No. I received --- communications being from</p> <p>19 someone to me, yes. My understanding is that the</p> <p>20 school sent out a note saying that I wasn't named but</p> <p>21 there was an employee on paid administrative leave.</p> <p>22 Please don't speak with them or bother them. Respect</p> <p>23 their privacy. After the reunion, I think I heard</p> <p>24 from a teacher just saying they missed me at reunion</p> <p>25 and they hoped I was well but not, specifically, about</p>

<p style="text-align: right;">Page 134</p> <p>1 my leave.</p> <p>2 Q.How did you learn about the email that went out</p> <p>3 saying that a teacher was on leave?</p> <p>4 A.I don't know.</p> <p>5 Q.You didn't receive the email, right, because your</p> <p>6 email --- your Hill School email was already turned</p> <p>7 off.</p> <p>8 Right?</p> <p>9 A.No. It was already turned off.</p> <p>10 Q.Or you didn't have access to it.</p> <p>11 A.I didn't have access.</p> <p>12 Q.Did you ever see the email?</p> <p>13 A.No.</p> <p>14 Q.So, the information you know about the email is</p> <p>15 based on something that someone told you?</p> <p>16 A.Yes.</p> <p>17 Q.Did you learn the information about the email</p> <p>18 that a teacher was on leave from someone other than</p> <p>19 your lawyer?</p> <p>20 A.I don't believe so.</p> <p>21 Q.Did you learn --- when did you learn the</p> <p>22 information about the email?</p> <p>23 A.It would have been that summer somewhere soon</p> <p>24 after it went out I'm sure or --- I don't know.</p> <p>25 Q.So, summer, you're talking about 2019.</p>	<p style="text-align: right;">Page 135</p> <p>1 Right?</p> <p>2 A.Yes.</p> <p>3 Q.And I might have misunderstood your answer. So,</p> <p>4 in the summer of 2019, you learned about the email</p> <p>5 from your lawyer or from someone else?</p> <p>6 A.I don't recall.</p> <p>7 Q.Okay.</p> <p>8 A.After the reunion, I heard from --- actually,</p> <p>9 during the reunion, I heard from some alumni wondering</p> <p>10 where I was. I told them I just wasn't able to be</p> <p>11 there. I don't recall when I learned of the fact that</p> <p>12 there was an email saying someone was on leave. And I</p> <p>13 don't remember how I acquired it. And I didn't see</p> <p>14 it, so heard about it.</p> <p>15 Q.And when you say acquired, you mean acquired the</p> <p>16 information.</p> <p>17 A.Yes.</p> <p>18 Q.So, that's it? You never had any discussion with</p> <p>19 the HR director about leave or anything like that?</p> <p>20 You've talked about COBRA and emails from people who</p> <p>21 don't sound like they are part of the school</p> <p>22 administration.</p> <p>23 A.I don't know how I was informed what to do with</p> <p>24 my computer and any of my other school belongings.</p> <p>25 That would have come from Ms. Gelting. It must have</p>
<p style="text-align: right;">Page 136</p> <p>1 come through Mr. Jubb but I don't recall. And I was</p> <p>2 to ship it back. And the reason I know it came from</p> <p>3 her was because one, that's who the shipping label was</p> <p>4 to. That would have been pretty quickly after my</p> <p>5 leave began.</p> <p>6 Q.So, somehow, you learned that you needed to ship</p> <p>7 your stuff back to Ms. Gelting.</p> <p>8 Right?</p> <p>9 A.Yes.</p> <p>10 Q.And stuff being your laptop and cell phone?</p> <p>11 A.Cell phone was mine. I was reimbursed.</p> <p>12 Q.Okay.</p> <p>13 So, close in time to when you learned about the</p> <p>14 leave, you then shipped your laptop --- your school</p> <p>15 provided laptop and anything else back to Ms. Gelting?</p> <p>16 A.Anything else shipped back?</p> <p>17 Q.Yeah. Other than the laptop.</p> <p>18 A.It would have been anything I had in my office.</p> <p>19 So, there would have been probably Hill School thank</p> <p>20 you cards. I can't tell you what all it was. The big</p> <p>21 thing was the laptop.</p> <p>22 Q.Okay.</p> <p>23 So, like the laptop and any of the Hill School</p> <p>24 materials you used for your job.</p> <p>25 Right?</p>	<p style="text-align: right;">Page 137</p> <p>1 A. Yes. That could have all come in a letter from Mr.</p> <p>2 Rees describing what leave was or requirements of me</p> <p>3 during that. I don't know.</p> <p>4 ATTORNEY DOUGHERTY:</p> <p>5 What's it now, 26?</p> <p>6 ---</p> <p>7 (Whereupon, Defendant's Exhibit 26,</p> <p>8 4/18/19 Email, was marked for</p> <p>9 identification.)</p> <p>10 ---</p> <p>11 ATTORNEY STEIGER:</p> <p>12 Uh-huh (yes). I'm pretty sure. I wrote</p> <p>13 down a D-25 but I didn't write down what it was.</p> <p>14 ATTORNEY DOUGHERTY:</p> <p>15 D-25 is the performance review. It's</p> <p>16 276 on the --- 267 on the bottom right.</p> <p>17 ATTORNEY STEIGER:</p> <p>18 Then, it must be 26 that we're at.</p> <p>19 ATTORNEY DOUGHERTY:</p> <p>20 Okay. Cool. I just ripped it off of a</p> <p>21 big pack rather than giving you the whole pack. If</p> <p>22 it's got a better mark at the top.</p> <p>23 BY ATTORNEY DOUGHERTY:</p> <p>24 Q.I'm showing you a document that is marked as D-</p> <p>25 26. It says on the bottom right, P48.1. And this is</p>

<p style="text-align: right;">Page 138</p> <p>1 an email from Mr. Rees to Lane Jubb. And you are not  2 part of the --- you're not one of the recipients to  3 the email. The email is dated April 18th, 2019. I  4 just want to know if you've ever seen the email that  5 I've marked as D-26 before I showed it to you today.  6 A.I don't know. I know I got the information. I  7 don't recall if it was sent directly --- if it came to  8 me or if my lawyer just told me that it was there.  9 Q.Well, the email's from Mr. Rees to Mr. Jubb --- I  10 acknowledge that you're not a recipient of the email.  11 Mr. Rees wrote, Lane: I write to inform you as counsel  12 for Matt Ralston that the Hill School has placed Mr.  13 Ralston on paid administrative leave effective  14 immediately in light of recent developments. Mr.  15 Ralston should immediately cease all work on behalf of  16 the school. Please communicate this decision to Mr.  17 Ralston. Any questions should be directed to me as  18 counsel for the school.  19 So, I just want to know if you received this  20 email?  21 A.I don't recall if I received it or if it was a  22 phone conversation. I believe I've read this. The  23 part that makes me believe I've read it is that I  24 should cease all work on behalf of the Hill School or  25 on behalf of the school.</p>	<p style="text-align: right;">Page 139</p> <p>1 Q.So, Mr. Rees wrote, in light of recent  2 developments. Did you know what the recent  3 developments are that he's referring to?  4 ATTORNEY JUBB:  5 Objection to form.  6 COURT REPORTER:  7 I'm sorry?  8 ATTORNEY JUBB:  9 I object to the form.  10 BY ATTORNEY DOUGHERTY:  11 Q.Or let me put it this way, were there any recent  12 developments, recent to April 18, 2019?  13 ATTORNEY JUBB:  14 Same objection. Calls for speculation.  15 THE WITNESS:  16 We filed a lawsuit.  17 BY ATTORNEY DOUGHERTY:  18 Q.Do you know if Mr. Rees --- let me start again.  19 Do you know if the Hill School put you on  20 administrative leave because of the filing of the  21 lawsuit?  22 ATTORNEY JUBB:  23 Same objection.  24 THE WITNESS:  25 I know that may have been the catalyst.</p>
<p style="text-align: right;">Page 140</p> <p>1 But I believe my separation from the school began back  2 when the second letter arrived when I was encouraged  3 to seek my own attorney. And it was shared with me a  4 second time that there could be action I could take.  5 BY ATTORNEY DOUGHERTY:  6 Q.You're referring to Mr. Rees telling you that you  7 could file a lawsuit against Mr. Poulos and Mr.  8 Garabedian?  9 A.Do I recall that?  10 Q.No. When you said that you were told a second  11 time about that there was action to be taken.  12 A.Yes.  13 Q.You're referring to Mr. Rees telling you that you  14 could file a lawsuit against Mr. Poulos and Mr.  15 Garabedian?  16 A.He didn't say I should but yes. Yes.  17 Q.Could, could, that you could.  18 A.Possibly, yes.  19 Q.I'm just trying to make sure that that's what you  20 were referring to at the end of your answer. Did you  21 ever go review your personnel file?  22 A.I have not.  23 Q.Did you ever request to review your personnel  24 file?  25 A.I have not.</p>	<p style="text-align: right;">Page 141</p> <p>1 Q.Did you ever request to --- to be clear, I'm  2 talking about your personnel file at the Hill School.  3 So, you've never reviewed or requested to review your  4 personnel file at the Hill School?  5 A.I have not.  6 Q.Did you make a request to review your personnel  7 file at the Hill School through your lawyer, Mr. Jubb?  8 ATTORNEY JUBB:  9 Objection to the form. Can you ask it a  10 different way so there is no attorney/client there?  11 ATTORNEY DOUGHERTY:  12 Do you have the other pages of P48?  13 You're right. I do. For some reason, I thought there  14 were only four pages in it. I'm looking for 72, P36.  15 Sure. We can --- so, can we go off the record?  16 VIDEOGRAPHER:  17 The time is 1:12. Off the record.  18 OFF VIDEO  19 ---  20 (WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)  21 ---  22 ON VIDEO  23 VIDEOGRAPHER:  24 The time is 1:17. Back on the record.  25 ATTORNEY DOUGHERTY:</p>

<p style="text-align: right;">Page 142</p> <p>1 The record is now going to reflect that</p> <p>2 Mr. Poulos has now joined via zoom.</p> <p>3 ATTORNEY JUBB:</p> <p>4 Or his mom.</p> <p>5 ATTORNEY DOUGHERTY:</p> <p>6 Mr. Poulos, are you there?</p> <p>7 MR. POULOS:</p> <p>8 Yes, I'm here.</p> <p>9 ATTORNEY JUBB:</p> <p>10 Is your mom there?</p> <p>11 MR. POULOS:</p> <p>12 No. I'm at my home.</p> <p>13 ---</p> <p>14 (Whereupon, Defendant's Exhibit 27, 5/6</p> <p>15 to 5/7/19 Emails, was marked for</p> <p>16 identification.)</p> <p>17 ---</p> <p>18 BY ATTORNEY DOUGHERTY:</p> <p>19 Q.I'm showing you a document that I've marked as D-</p> <p>20 27. It says, P48.2, on the first page and P48.3, on</p> <p>21 the second page. It's a series of emails you, again,</p> <p>22 are not a recipient of any of the emails. I just want</p> <p>23 to direct your attention to the top of the first page</p> <p>24 of D-27. It's an email from Mr. Rees to Mr. Jubb with</p> <p>25 the subject line, Hill School Personnel File Review,</p>	<p style="text-align: right;">Page 143</p> <p>1 dated May 7, 2019. Do you see that at the top of D-</p> <p>2 27?</p> <p>3 A.Yes.</p> <p>4 Q.And just in looking at D-27, have you ever seen</p> <p>5 the series of emails between Mr. Rees and Mr. Jubb</p> <p>6 before I handed D-27 to you?</p> <p>7 A.I have not.</p> <p>8 Q.Were you aware that there was a request to review</p> <p>9 your Hill School personnel file?</p> <p>10 A.Yes. I think so. I can't imagine there wouldn't</p> <p>11 have been.</p> <p>12 Q.Did you ever plan to go review your personnel</p> <p>13 file?</p> <p>14 A.No.</p> <p>15 Q.So, you did not intend to go to the Hill School</p> <p>16 to review your personnel file?</p> <p>17 A.No.</p> <p>18 Q.And you've never requested to review your</p> <p>19 personnel file and been refused by the Hill School.</p> <p>20 Is that right?</p> <p>21 A.I've never requested to see my personnel file.</p> <p>22 Q.Have you asked that the Hill School remove any</p> <p>23 material from your personnel file?</p> <p>24 A.No.</p> <p>25 Q.Are you aware of whether there is any material in</p>
<p style="text-align: right;">Page 144</p> <p>1 your personnel file regarding the accusations by Mr.</p> <p>2 Poulos?</p> <p>3 A.I am not.</p> <p>4 Q.So, you don't know one way or the other?</p> <p>5 A.I don't.</p> <p>6 Q.Do you know whether your personnel file or a copy</p> <p>7 of your personnel file at the Hill School was ever</p> <p>8 obtained?</p> <p>9 A.I don't.</p> <p>10 Q.So, even if not --- let me start again.</p> <p>11 I understand that you didn't go to the Hill</p> <p>12 School and review your personnel file. But have you</p> <p>13 seen a copy of your personnel file from some other</p> <p>14 source?</p> <p>15 A.No.</p> <p>16 Q.Did you participate in a conference call with</p> <p>17 Geoff Richards, G-E-O-F-F, and Mr. Rees and Mr. Jubb?</p> <p>18 A.I did.</p> <p>19 Q.Who is Mr. Richards, Geoff Richards?</p> <p>20 A.He's a member of the board of trustees.</p> <p>21 Q.When did you participate in a conference call ---</p> <p>22 well, let me start again.</p> <p>23 Was there anyone else on the conference call</p> <p>24 other than you, Mr. Richards, Mr. Rees, and Mr. Jubb?</p> <p>25 A.To my understanding, it was just the four of us.</p>	<p style="text-align: right;">Page 145</p> <p>1 Q.When was the telephone call?</p> <p>2 A.Late January/early February of 2019.</p> <p>3 Q.What was the purpose of the conference call?</p> <p>4 A.Beg your pardon?</p> <p>5 Q.What was the purpose of the conference call with</p> <p>6 you, Mr. Rees, Mr. Jubb, and Mr. Richards?</p> <p>7 ATTORNEY JUBB:</p> <p>8 Object to the form. You can answer.</p> <p>9 THE WITNESS:</p> <p>10 I had retained Mr. Jubb as my attorney,</p> <p>11 at that point. And Mr. Richards and Mr. Rees wanted</p> <p>12 to check and see how I was. Mr. Richards said he was</p> <p>13 surprised to see my name attached to the letters. We</p> <p>14 had not made a decision, at that point, if I was going</p> <p>15 to file a lawsuit. We discussed some other</p> <p>16 alternative or different roads we could go, one of</p> <p>17 which was not filing a lawsuit. At that point, we had</p> <p>18 already received the letter from the insurance</p> <p>19 company.</p> <p>20 And a question we asked was if I did not</p> <p>21 file a lawsuit and there was further action, would the</p> <p>22 school provide me with independent counsel of my</p> <p>23 choosing.</p> <p>24 BY ATTORNEY DOUGHERTY:</p> <p>25 Q.Just to be clear, you mean more action as it</p>

<p style="text-align: right;">Page 146</p> <p>1 relates to the accusations of Mr. Poulos, not whether</p> <p>2 the school was going to provide you independent</p> <p>3 counsel for your own lawsuit.</p> <p>4 A. Correct. Yes, Yes.</p> <p>5 Q. I apologize. I just wanted to clarify that.</p> <p>6 A. That's a good distinction. The response was that</p> <p>7 they would have to discuss that with the board and</p> <p>8 would get back to us and we never heard back regarding</p> <p>9 that question.</p> <p>10 Q. And the we is you and Mr. Jubb.</p> <p>11 Right?</p> <p>12 A. Correct.</p> <p>13 Q. So, you never got an answer from the school</p> <p>14 whether the school would provide you with independent</p> <p>15 --- when you say independent counsel, you mean someone</p> <p>16 other than Mr. Rees.</p> <p>17 Right?</p> <p>18 A. Yes.</p> <p>19 Q. Okay.</p> <p>20 So, you wanted to know whether the school was</p> <p>21 going to, basically, provide you counsel, someone</p> <p>22 other than counsel for the school, if the</p> <p>23 investigation into Mr. Poulos's accusations</p> <p>24 progressed.</p> <p>25 Is that right?</p>	<p style="text-align: right;">Page 147</p> <p>1 A. I don't think I made the distinction of the</p> <p>2 investigation. I think what I thought was in regards</p> <p>3 to if there was another step taken by Mr. Garabedian.</p> <p>4 Q. Okay.</p> <p>5 So, it was --- let me start again. The idea was</p> <p>6 that if Mr. Poulos commenced a lawsuit through Mr.</p> <p>7 Garabedian, would the school provide you with counsel.</p> <p>8 Is that right?</p> <p>9 A. That would, certainly, be the main scenario in my</p> <p>10 mind, yes.</p> <p>11 Q. So, you weren't concerned about just having a</p> <p>12 lawyer. The concern was whether you would have a</p> <p>13 lawyer provided by the school if a lawsuit was</p> <p>14 commenced by Mr. Poulos.</p> <p>15 Is that right?</p> <p>16 A. Ask that again.</p> <p>17 Q. Sure. You weren't asking the school to just give</p> <p>18 you --- retain a lawyer for you. Your concern was</p> <p>19 would the school retain counsel for you if a lawsuit</p> <p>20 was commenced by Mr. Poulos.</p> <p>21 Right?</p> <p>22 A. Yes, yes. That is correct. Yes.</p> <p>23 Q. And no lawsuit was ever commenced by Mr. Poulos</p> <p>24 either through Mr. Garabedian or anyone else.</p> <p>25 Correct?</p>
<p style="text-align: right;">Page 148</p> <p>1 A. Not prior to our filing ours, no.</p> <p>2 Q. And you never got an answer from the school about</p> <p>3 whether it would provide you counsel if there was a</p> <p>4 lawsuit by Mr. Poulos.</p> <p>5 Is that right?</p> <p>6 A. I did not.</p> <p>7 Q. Was there anything else discussed during the</p> <p>8 telephone call with Mr. Richards, Mr. Rees, and Mr.</p> <p>9 Jubb?</p> <p>10 A. I don't recall. That's what I took from it.</p> <p>11 Q. You said that you had not made a decision about</p> <p>12 filing a lawsuit and had discussions about options</p> <p>13 other than filing a lawsuit. Can you provide more</p> <p>14 information about that?</p> <p>15 A. Had there been discussion about it you're asking?</p> <p>16 Q. Yeah. I don't know what words you used for it</p> <p>17 because I didn't write the word down. You indicated</p> <p>18 that you had not made a decision regarding whether you</p> <p>19 were going to file a lawsuit and alternatives --- you</p> <p>20 used a different word to filing a lawsuit. So, I want</p> <p>21 to know some more information about that component of</p> <p>22 your answer. And I'm not trying to put a word in your</p> <p>23 mouth. I just don't remember what the word is.</p> <p>24 A. I understand. What I considered the alternatives</p> <p>25 --- the only one I really considered was to progress</p>	<p style="text-align: right;">Page 149</p> <p>1 how we had progressed for the last ten months, which</p> <p>2 was the school continuing to try to communicate with</p> <p>3 Mr. Garabedian and see if there were communications in</p> <p>4 response to any of those communications. And if the</p> <p>5 existence of those allegations would resolve itself</p> <p>6 without anyone taking legal action. That was what I</p> <p>7 considered the alternatives.</p> <p>8 Q. And so, at some point after you said February</p> <p>9 2019 telephone call with Mr. Richards, Mr. Rees, and</p> <p>10 Mr. Jubb, you came to the conclusion that the school</p> <p>11 was not going to take action and then, you commenced</p> <p>12 your lawsuit.</p> <p>13 Is that right?</p> <p>14 A. Yes.</p> <p>15 Q. Did you have any other discussions with the Hill</p> <p>16 School regarding the accusations by Mr. Poulos after</p> <p>17 the February 2019 telephone discussion that included</p> <p>18 Mr. Richards, Mr. Rees, you, and Mr. Jubb?</p> <p>19 A. Excuse me. I reached out to Mr. Lehman in March.</p> <p>20 My wife and I were on campus for a wedding. And I</p> <p>21 thought he might want to speak with me just regarding</p> <p>22 those two avenues. He was not on campus. He and I</p> <p>23 had a phone conversation when Mary Beth and I were</p> <p>24 driving back to Columbus. I asked him the same</p> <p>25 question about whether or not the school would provide</p>



<p style="text-align: right;">Page 150</p> <p>1 me with legal counsel --- independent legal counsel if</p> <p>2 there was ever further action taken by Mr. Garabedian</p> <p>3 and Mr. Poulos.</p> <p>4 The response was the same that I got from Mr.</p> <p>5 Richards, which was I'd have to check with the board.</p> <p>6 And I never got a response then either.</p> <p>7 Q. Just because I forgot to ask, Mr. Richards</p> <p>8 learned about Mr. Poulos's accusations from someone</p> <p>9 other than you?</p> <p>10 A. Oh, yeah.</p> <p>11 Q. And I think that you said that Mr. Richards</p> <p>12 expressed that he was surprised to see your name</p> <p>13 attached to the letter. So, Mr. Richards made</p> <p>14 comments during the telephone discussion that led you</p> <p>15 to believe he did not believe Mr. Poulos's accusations</p> <p>16 against you.</p> <p>17 Is that right?</p> <p>18 ATTORNEY JUBB:</p> <p>19 I'll object to the form.</p> <p>20 THE WITNESS:</p> <p>21 I think the use of the word surprised</p> <p>22 left me --- my impression up to then was that Mr.</p> <p>23 Richards thought very highly of me, surprised to see</p> <p>24 my name attached, made me wonder. However, his</p> <p>25 expression of concern for me answered that. So, he</p>	<p style="text-align: right;">Page 151</p> <p>1 did make that comment.</p> <p>2 BY ATTORNEY DOUGHERTY:</p> <p>3 Q. So, Mr. Richards expressed in words or substance</p> <p>4 that he did not believe Mr. Poulos's accusations</p> <p>5 against you?</p> <p>6 ATTORNEY JUBB:</p> <p>7 Objection to the form.</p> <p>8 THE WITNESS:</p> <p>9 I don't remember his exact words. But</p> <p>10 it's my perception he didn't.</p> <p>11 BY ATTORNEY DOUGHERTY:</p> <p>12 Q. Okay.</p> <p>13 So, you hung up the telephone and didn't believe</p> <p>14 that --- let me start again.</p> <p>15 When you ended the telephone discussion with Mr.</p> <p>16 Richards, Mr. Rees, and Mr. Jubb, you had the</p> <p>17 impression that Mr. Richards did not believe the</p> <p>18 accusations by Mr. Poulos against you.</p> <p>19 Is that right?</p> <p>20 ATTORNEY JUBB:</p> <p>21 Objection to the form.</p> <p>22 THE WITNESS:</p> <p>23 I think I had that impression before the</p> <p>24 conversation and he didn't say anything to alter that</p> <p>25 in the conversation.</p>
<p style="text-align: right;">Page 152</p> <p>1 BY ATTORNEY DOUGHERTY:</p> <p>2 Q. When did you first learn that Mr. Richards knew</p> <p>3 about the accusations?</p> <p>4 A. When did I first learn?</p> <p>5 Q. That Mr. Richards knew about the accusations.</p> <p>6 A. I don't know when it clicked that he was a member</p> <p>7 of the legal committee of the board of trustees. I</p> <p>8 knew that Mr. Lehman, and I think we discussed this</p> <p>9 last time, shared with me that he had told the legal</p> <p>10 committee. So, I don't know that it registered that</p> <p>11 he was part of the legal committee. Once I figured</p> <p>12 that out, I don't know when they were informed but I</p> <p>13 would assume it would have been very quickly after the</p> <p>14 first letter arrived.</p> <p>15 Q. When did you --- okay. When did you first have</p> <p>16 contact with Mr. Richards about Mr. Poulos's</p> <p>17 accusations?</p> <p>18 A. That phone call.</p> <p>19 Q. Okay.</p> <p>20 So, even though you didn't have any direct</p> <p>21 communications with Mr. Richards about the accusations</p> <p>22 by Mr. Poulos prior to the February 2019 telephone</p> <p>23 discussion, you already had the impression that Mr.</p> <p>24 Richards didn't credit or believe the accusations.</p> <p>25 A. No. I don't think that's what I said. I think</p>	<p style="text-align: right;">Page 153</p> <p>1 what I said was that I assumed he had a high opinion</p> <p>2 of me.</p> <p>3 Q. Well, let me just ask. I thought you said that</p> <p>4 before you were done with the telephone call in</p> <p>5 February 2019, you had the impression that Mr.</p> <p>6 Richards didn't believe the accusations. Did I</p> <p>7 misunderstand?</p> <p>8 ATTORNEY JUBB:</p> <p>9 You just interrupted his answer.</p> <p>10 ATTORNEY DOUGHERTY:</p> <p>11 I know because he was ---.</p> <p>12 THE WITNESS:</p> <p>13 If that's how you heard my answer, Mr.</p> <p>14 Richards is someone I've known for many years. He is</p> <p>15 part of the board before I left the school. I think</p> <p>16 he was probably part of the board in the late '90s.</p> <p>17 He was someone with whom I had contact during the</p> <p>18 seven years that I was gone from the school.</p> <p>19 BY ATTORNEY DOUGHERTY:</p> <p>20 Q. I understand. So, your idea was that Mr.</p> <p>21 Richards knew you well enough to know and to already</p> <p>22 have a belief that the accusations were not true and</p> <p>23 your telephone communication in February of 2019 sort</p> <p>24 of confirmed that and did nothing to disavow you of</p> <p>25 your beliefs.</p>

<p style="text-align: right;">Page 154</p> <p>1 Is that right?</p> <p>2 ATTORNEY JUBB:</p> <p>3 Objection to form.</p> <p>4 THE WITNESS:</p> <p>5 Yes.</p> <p>6 BY ATTORNEY DOUGHERTY:</p> <p>7 Q.Okay.</p> <p>8 Any communications with anyone from the Hill</p> <p>9 School regarding the accusations by Mr. Poulos after</p> <p>10 the March 2019 telephone communication with Mr.</p> <p>11 Lehman?</p> <p>12 A.No.</p> <p>13 Q.Did you ever have any in person meetings with</p> <p>14 anyone at the Hill School regarding the accusations by</p> <p>15 Mr. Poulos? I realize you told us about Mr. Lehman</p> <p>16 when he told you about the letters and some</p> <p>17 interactions with Mr. Rees. But did you have any</p> <p>18 other type of meeting or anything like that?</p> <p>19 A.Regarding?</p> <p>20 Q.Yes, the accusations.</p> <p>21 A.No. Do you mean like did I sit down with Mr.</p> <p>22 Rees and Mr. Lehman and talk about ---?</p> <p>23 Q.Correct.</p> <p>24 A.No.</p> <p>25 Q.So, the equivalent of these telephone</p>	<p style="text-align: right;">Page 155</p> <p>1 communications like the one with Mr. Lehman and Ms.</p> <p>2 Gelting, did you have some type of meeting with the HR</p> <p>3 director or anyone from the legal --- what do they</p> <p>4 call it, the legal committee or the board of trustees</p> <p>5 or anyone affiliated with the Hill School regarding</p> <p>6 the accusations?</p> <p>7 A.No.</p> <p>8 Q.And so, between --- so, you had the March 2019</p> <p>9 telephone discussion with Mr. Lehman. And then, the</p> <p>10 next contact you had with the Hill School --- with you</p> <p>11 directly with the Hill School regarding your</p> <p>12 employment was the August 2019 email and then,</p> <p>13 telephone call with Mr. Lehman and Ms. Gelting?</p> <p>14 A.I would have had the email from Ms. Gelting</p> <p>15 regarding the meeting. Prior to that, no.</p> <p>16 Q.Okay.</p> <p>17 So, March 2009, telephone call Mr. Lehman then,</p> <p>18 the email from Ms. Gelting.</p> <p>19 Correct? In August 2019?</p> <p>20 A.Yes.</p> <p>21 Q.Does your wife currently work?</p> <p>22 A.She does.</p> <p>23 Q.Where does your wife work?</p> <p>24 A.She works for Columbus Metropolitan Libraries.</p> <p>25 Q.How long has your wife worked at Columbus</p>
<p style="text-align: right;">Page 156</p> <p>1 Metropolitan Libraries?</p> <p>2 A.This is '21. Four or five years.</p> <p>3 Q.I'm sorry, did you say Columbus?</p> <p>4 A.Yes.</p> <p>5 Q.Okay.</p> <p>6 I think I might have just said Columbia by</p> <p>7 mistake. I'm sorry. So, your wife has worked at</p> <p>8 Columbus Metropolitan Libraries for four or five</p> <p>9 years?</p> <p>10 A.Yes.</p> <p>11 Q.So, around the time when you became re-employed</p> <p>12 by the Hill School, your wife started working at</p> <p>13 Columbus Metropolitan Libraries?</p> <p>14 A.Yes.</p> <p>15 Q.Where do you primarily reside?</p> <p>16 A.Columbus.</p> <p>17 Q.Is that where your wife primarily resides?</p> <p>18 A.Yes.</p> <p>19 Q.Did you and your wife primarily reside in</p> <p>20 Columbus for the entire time you were employed by the</p> <p>21 Hill School the second time?</p> <p>22 A.I was back and forth. I was traveling quite a</p> <p>23 bit. But I changed my residency from Michigan --- my</p> <p>24 driver's license --- probably 2017 or 2018. I can't</p> <p>25 tell you exactly when.</p>	<p style="text-align: right;">Page 157</p> <p>1 Q.And you told us that you didn't look for other</p> <p>2 employment in February 2020 because your mother died</p> <p>3 and you were assisting with --- you were spending her</p> <p>4 final days with her and then, assisting with her</p> <p>5 estate.</p> <p>6 Is that right?</p> <p>7 A.From the October through then? Yes. When we</p> <p>8 discussed that, it was October of 2019. You asked why</p> <p>9 I didn't seek employment after that. And I think what</p> <p>10 I shared was that those were the last months that she</p> <p>11 was alive. She was living with my brother. We closed</p> <p>12 up her house. We sold it. And I was visiting down</p> <p>13 there as much as I could.</p> <p>14 Q.So, your choice not to look for employment from</p> <p>15 October 2019 to when your mother died was persona,</p> <p>16 right, that you wanted to spend more time with your</p> <p>17 mother?</p> <p>18 ATTORNEY JUBB:</p> <p>19 Objection to the form.</p> <p>20 THE WITNESS:</p> <p>21 It was that as well as what I shared</p> <p>22 earlier about not feeling like I could look for work</p> <p>23 in education.</p> <p>24 BY ATTORNEY DOUGHERTY:</p> <p>25 Q.And is there a reason why you didn't look for</p>



<p style="text-align: right;">Page 158</p> <p>1 employment between February --- I guess, well, March</p> <p>2 2020 and the summer of 2021?</p> <p>3 A.That's correct.</p> <p>4 Q.What was the reason why you didn't look for</p> <p>5 employment between March 2020 and the summer of 2021?</p> <p>6 A.COVID was a big part of that. My concern about</p> <p>7 applying to schools had not changed any. The</p> <p>8 allegations still existed.</p> <p>9 Q.How did you think that the new employer would</p> <p>10 learn about the accusations?</p> <p>11 A.I think, for me, it was a matter of being able to</p> <p>12 be honest about my situation, which stems back to the</p> <p>13 letters.</p> <p>14 Q.So, you felt that you would need to tell a new</p> <p>15 employer that there were unsubstantiated accusations</p> <p>16 made against you?</p> <p>17 A.I think --- I don't think. I know what I</p> <p>18 thought. I thought that if I don't share that in an</p> <p>19 interview and then, it becomes public if you will</p> <p>20 after I've been hired, I would, if I was the hiring</p> <p>21 person, feel like Matt had lied to them. And much</p> <p>22 like why I'm not able to associate with Hill School</p> <p>23 alumni, I can't lie to them when I meet with them.</p> <p>24 Q.Well, is part of your issue that you would have</p> <p>25 to tell the prospective employer about your lawsuit?</p>	<p style="text-align: right;">Page 159</p> <p>1 A.Part of my concern. My issue was that I would</p> <p>2 end up sitting in their office explaining that I had</p> <p>3 received --- the school for which I worked last had</p> <p>4 received two letters from someone accusing me of that.</p> <p>5 And they would wonder why I wasn't a little more open</p> <p>6 with them when I interviewed with them.</p> <p>7 Q.How did you think a new employer would learn</p> <p>8 about the letters?</p> <p>9 ATTORNEY JUBB:</p> <p>10 Objection to the form.</p> <p>11 THE WITNESS:</p> <p>12 I don't know.</p> <p>13 ATTORNEY JUBB:</p> <p>14 Asked and answered twice.</p> <p>15 THE WITNESS:</p> <p>16 Yeah. You asked me why I'm still a John</p> <p>17 Doe and do I care if it changes and ---.</p> <p>18 BY ATTORNEY DOUGHERTY:</p> <p>19 Q.That's not what I asked. I wanted to know how</p> <p>20 you believe the new employer would learn about the</p> <p>21 letters because you didn't even look in your personnel</p> <p>22 file to see if they're there.</p> <p>23 ATTORNEY JUBB:</p> <p>24 He didn't tell you anything about a</p> <p>25 personnel file. He told you exactly how. You have to</p>
<p style="text-align: right;">Page 160</p> <p>1 listen.</p> <p>2 ATTORNEY DOUGHERTY:</p> <p>3 No. Please stop. Please stop. Please</p> <p>4 stop speaking.</p> <p>5 ATTORNEY JUBB:</p> <p>6 No. You need to ask a question.</p> <p>7 ATTORNEY DOUGHERTY:</p> <p>8 You may say objection and that's it.</p> <p>9 Please don't ---.</p> <p>10 ATTORNEY JUBB:</p> <p>11 You cannot harass the witness.</p> <p>12 ATTORNEY DOUGHERTY:</p> <p>13 I'm not harassing him.</p> <p>14 ATTORNEY JUBB:</p> <p>15 You keep asking things over and over.</p> <p>16 ATTORNEY DOUGHERTY:</p> <p>17 I'm not harassing him. And you can't</p> <p>18 coach the witness by making commentary.</p> <p>19 ATTORNEY JUBB:</p> <p>20 I'm not doing anything. I'm trying to</p> <p>21 coach you.</p> <p>22 ATTORNEY DOUGHERTY:</p> <p>23 So, I will --- okay. Well, I don't need</p> <p>24 your coaching. Thank you.</p> <p>25 ATTORNEY JUBB:</p>	<p style="text-align: right;">Page 161</p> <p>1 Well, then ask a different question.</p> <p>2 BY ATTORNEY DOUGHERTY:</p> <p>3 Q.My question was how did you think the new</p> <p>4 employer would learn about the letters?</p> <p>5 ATTORNEY JUBB:</p> <p>6 Objection to the form. Asked and</p> <p>7 answered. You can answer one more time.</p> <p>8 ATTORNEY DOUGHERTY:</p> <p>9 Just strike your commentary.</p> <p>10 BY ATTORNEY DOUGHERTY:</p> <p>11 Q.Go ahead.</p> <p>12 A.I believe from sitting in an interview talking</p> <p>13 about why I'm no longer working with the school from</p> <p>14 which was last on my résumé, unless I was forthright</p> <p>15 with them and said, there are two letters that were</p> <p>16 sent to the school accusing me of molesting a student,</p> <p>17 abusing a student, and it eventually became public</p> <p>18 that I didn't want to put any hiring employer in that</p> <p>19 position because if roles were reversed, I would feel</p> <p>20 like I was lying --- I had been lied to by that</p> <p>21 employee.</p> <p>22 Q.I guess what I'm trying to understand is how did</p> <p>23 you think the two letters would become public.</p> <p>24 ATTORNEY JUBB:</p> <p>25 Objection to form.</p>

<p style="text-align: right;">Page 162</p> <p>1 BY ATTORNEY DOUGHERTY:</p> <p>2 Q.I understand what you're saying. You felt as</p> <p>3 though you had to tell a prospective employer after</p> <p>4 October 2019. You felt that you had to tell a</p> <p>5 prospective employer about the two letters for fear</p> <p>6 that they might become public and you didn't want the</p> <p>7 hiring person to feel that they had been deceived. I</p> <p>8 think you may have used a different word. So, how did</p> <p>9 you think the two letters were going to become public?</p> <p>10 ATTORNEY JUBB:</p> <p>11 Objection to the form.</p> <p>12 THE WITNESS:</p> <p>13 I believe what I said if the allegations</p> <p>14 were to become public and I believe the allegations</p> <p>15 will become public and attached to my name no later</p> <p>16 than when we go to trial. So, at the very least, they</p> <p>17 would have learned then.</p> <p>18 BY ATTORNEY DOUGHERTY:</p> <p>19 Q.Okay.</p> <p>20 So, your belief is that the allegations by Mr.</p> <p>21 Poulos would become public because of your lawsuit?</p> <p>22 ATTORNEY JUBB:</p> <p>23 Objection to the form.</p> <p>24 THE WITNESS:</p> <p>25 Sure.</p>	<p style="text-align: right;">Page 163</p> <p>1 BY ATTORNEY DOUGHERTY:</p> <p>2 Q.When did you start looking for other employment?</p> <p>3 A.Beg your pardon?</p> <p>4 Q.When did you start looking for other employment?</p> <p>5 A.Looking for employment?</p> <p>6 Q.Yeah. And I said other employment.</p> <p>7 A.Other employment. I'm sorry.</p> <p>8 Q.I didn't mean to put my hand in the way. Let me</p> <p>9 start again. You are looking for employment.</p> <p>10 Correct?</p> <p>11 A.Softly. I looked at public schools in Ohio. I,</p> <p>12 actually, had communications with three. And without</p> <p>13 considerably more education, I can't be certified in</p> <p>14 the State of Ohio. And so, the other avenues</p> <p>15 available to me are mostly careers in which I don't</p> <p>16 have much interest. Sales or --- sales.</p> <p>17 Q.So, the inability to --- let me start again.</p> <p>18 You were looking for a teaching position at the</p> <p>19 Ohio public schools?</p> <p>20 A.Yes.</p> <p>21 Q.So, your inability to get a position teaching at</p> <p>22 the Ohio public schools is because of additional</p> <p>23 certifications that you would need in the State of</p> <p>24 Ohio.</p> <p>25 Is that right?</p>
<p style="text-align: right;">Page 164</p> <p>1 A.Yes.</p> <p>2 Q.Okay.</p> <p>3 So, the inability to teach at the Ohio public</p> <p>4 schools is not in any way related to the accusations</p> <p>5 by Mr. Poulos.</p> <p>6 Right?</p> <p>7 A.No.</p> <p>8 Q.And you said you started softly looking for</p> <p>9 employment. When did you start that?</p> <p>10 A.This summer.</p> <p>11 Q.Why did you start looking for employment this</p> <p>12 summer?</p> <p>13 COURT REPORTER:</p> <p>14 Sorry, did you say when or why?</p> <p>15 ATTORNEY DOUGHERTY:</p> <p>16 Why.</p> <p>17 THE WITNESS:</p> <p>18 Why would be two reasons. One, I was</p> <p>19 still receiving unemployment and those requirement had</p> <p>20 changed. And most importantly because I would have</p> <p>21 given up the unemployment, I decided that I could take</p> <p>22 short term assignments from a school and was more</p> <p>23 confident in the actions I had taken and decided it</p> <p>24 was worth the risk.</p> <p>25 BY ATTORNEY DOUGHERTY:</p>	<p style="text-align: right;">Page 165</p> <p>1 Q.You say you were more confident in the actions</p> <p>2 you had taken. Do you mean by filing your lawsuit?</p> <p>3 A.Yes.</p> <p>4 Q.And so, you can't take short term --- when you</p> <p>5 say short term assignments, you mean like substitute</p> <p>6 teaching?</p> <p>7 A.For a year.</p> <p>8 Q.Oh, I understand. Okay.</p> <p>9 A.Or two years.</p> <p>10 Q.So, you can't take the short term assignments</p> <p>11 from --- well, let me start again.</p> <p>12 Did you apply to any other schools other than</p> <p>13 Ohio public schools?</p> <p>14 A.No.</p> <p>15 Q.Is the issue with the certification that makes</p> <p>16 you unable to teach at the public schools, does that</p> <p>17 provide a problem teaching at any school in Ohio or is</p> <p>18 it unique to public schools?</p> <p>19 A.It would not be any school. It would be any</p> <p>20 school that is accredited or requires certification,</p> <p>21 public school certification. There are some parochial</p> <p>22 schools and independent schools that also require</p> <p>23 those credentials. There are independent schools that</p> <p>24 don't require those credentials.</p> <p>25 Q.And we're talking about high school?</p>

<p style="text-align: right;">Page 166</p> <p>1 A.Yes.</p> <p>2 Q.So, there are schools in Ohio that don't require</p> <p>3 the accreditation that the public schools require that</p> <p>4 you could teach?</p> <p>5 A.I believe so.</p> <p>6 Q.Have you applied to any of those schools?</p> <p>7 A.I have not.</p> <p>8 Q.Have you applied anywhere else other than Ohio</p> <p>9 public schools?</p> <p>10 A.I spoke with an insurance company regarding</p> <p>11 health benefits to businesses, selling.</p> <p>12 Q.When was that?</p> <p>13 A.Excuse me?</p> <p>14 Q.When did you speak to the insurance company about</p> <p>15 selling health benefits?</p> <p>16 A.It would have been late July or August sometime.</p> <p>17 Q.Did you send your résumé or have an interview or</p> <p>18 something?</p> <p>19 A.They have my résumé and I did a Zoom interview</p> <p>20 and we agreed that I would follow up if I had interest</p> <p>21 in joining them.</p> <p>22 Q.And you didn't follow up?</p> <p>23 A.I did not.</p> <p>24 Q.Okay.</p> <p>25 So, you didn't --- you weren't interested in the</p>	<p style="text-align: right;">Page 167</p> <p>1 job with the insurance company.</p> <p>2 Is that right?</p> <p>3 A.That's correct.</p> <p>4 Q.So, the reason why you aren't employed by the</p> <p>5 insurance company is not because of the accusations by</p> <p>6 Mr. Poulos.</p> <p>7 Is that right?</p> <p>8 A.That's right.</p> <p>9 Q.Did you apply anywhere else other than the Ohio</p> <p>10 public schools and the insurance company?</p> <p>11 A.I have not.</p> <p>12 Q.Do you plan to apply to other places for</p> <p>13 employment?</p> <p>14 A.I do not.</p> <p>15 Q.Is there a reason why you do not plan to apply to</p> <p>16 other places for employment?</p> <p>17 A.I'm 64 and I've done the math and retirement is a</p> <p>18 good option at this point. I know I can't go back to</p> <p>19 the Hill School and do what I love. And I don't think</p> <p>20 I can become a fundraiser anywhere else but the Hill</p> <p>21 School. I've been out of teaching long enough that I</p> <p>22 don't think I'm a full-time teacher because of</p> <p>23 technological changes since I last taught in 2009.</p> <p>24 Q.I think you said that you no longer receive</p> <p>25 unemployment.</p>
<p style="text-align: right;">Page 168</p> <p>1 A.That's correct.</p> <p>2 Q.And so, your only source of income is the income</p> <p>3 that your wife receives from her job.</p> <p>4 Is that right?</p> <p>5 A.Income wise, that's the only income we have.</p> <p>6 I've got my retirement funds that we're drawing on.</p> <p>7 Q.Do you receive money from somewhere else to</p> <p>8 support your life, living? It's your retirement, your</p> <p>9 wife's salary, what else?</p> <p>10 A.I have some other money but it's inheritance that</p> <p>11 I can spend some.</p> <p>12 Q.Do you mean an inheritance from your mother's</p> <p>13 death in February 2020?</p> <p>14 A.I do.</p> <p>15 Q.So, you have adequate income to support your</p> <p>16 lifestyle.</p> <p>17 Is that right?</p> <p>18 ATTORNEY JUBB:</p> <p>19 Objection to the form.</p> <p>20 THE WITNESS:</p> <p>21 For short term, short period of time,</p> <p>22 yes.</p> <p>23 BY ATTORNEY DOUGHERTY:</p> <p>24 Q.You said you don't plan to work.</p> <p>25 A.Correct. I'm not yet receiving Social Security.</p>	<p style="text-align: right;">Page 169</p> <p>1 Q.Oh, okay. So, is it the idea that your wife's</p> <p>2 salary, the retirement, Social Security, and the</p> <p>3 inheritance that will be adequate so that you do not</p> <p>4 need to work?</p> <p>5 A.It would be adequate.</p> <p>6 ATTORNEY JUBB:</p> <p>7 Object to form.</p> <p>8 BY ATTORNEY DOUGHERTY:</p> <p>9 Q.Is there anything that you cannot do now in 2021</p> <p>10 that you could do before April 2018?</p> <p>11 ATTORNEY JUBB:</p> <p>12 Objection to the form. Asked and</p> <p>13 answered.</p> <p>14 THE WITNESS:</p> <p>15 Yes.</p> <p>16 BY ATTORNEY DOUGHERTY:</p> <p>17 Q.What can you not do now that you could do prior</p> <p>18 to April 2018?</p> <p>19 A.I can't associate with any member of the Hill</p> <p>20 School community who is not aware of my situation.</p> <p>21 Q.Did you say who is not aware of your situation?</p> <p>22 A.Yes. Why I'm not working there or what's</p> <p>23 happening regarding what they do know and that is</p> <p>24 varied. And I don't know what level it varies.</p> <p>25 Q.I want to get a complete list. But just before</p>

<p style="text-align: right;">Page 170</p> <p>1 we leave that, if you are publicly identified in your</p> <p>2 lawsuit then, won't everyone know?</p> <p>3 A.Yeah, they would or potentially.</p> <p>4 Q.So, then you would be able to associate with</p> <p>5 people of the Hill School community.</p> <p>6 Is that right?</p> <p>7 ATTORNEY JUBB:</p> <p>8 Objection to the form.</p> <p>9 THE WITNESS:</p> <p>10 Yes, technically.</p> <p>11 BY ATTORNEY DOUGHERTY:</p> <p>12 Q.Okay. You were giving me a list. So, you can't</p> <p>13 associate with people in the Hill School community who</p> <p>14 don't know about your situation. Anything else that</p> <p>15 you cannot do now that you could do prior to April</p> <p>16 2018?</p> <p>17 A.I feel like I can't work in a job that's as</p> <p>18 rewarding as what I was doing.</p> <p>19 Q.Do you mean because in your view, the job that</p> <p>20 you had as a capital giving officer at the Hill School</p> <p>21 was like one of a kind?</p> <p>22 A.Yes.</p> <p>23 ATTORNEY JUBB:</p> <p>24 Object to the form.</p> <p>25 BY ATTORNEY DOUGHERTY:</p>	<p style="text-align: right;">Page 171</p> <p>1 Q.Anything else that you cannot do now that you</p> <p>2 could do in April 2018?</p> <p>3 A.Not that's occurring to me right now.</p> <p>4 Q.Does this lawsuit, meaning your lawsuit, cause</p> <p>5 any emotional distress?</p> <p>6 A.I think we discussed this last time. My</p> <p>7 emotional stress sources to the April letters of 2018.</p> <p>8 Anything that stems from that point forward is I can't</p> <p>9 distinguish between whatever else there is and those</p> <p>10 letters.</p> <p>11 Q.Okay.</p> <p>12 So, the lawsuit does cause you emotional distress</p> <p>13 but you can't distinguish among any of the activity</p> <p>14 since the first April 2018 letter.</p> <p>15 Is that right?</p> <p>16 ATTORNEY JUBB:</p> <p>17 I'll object to the form.</p> <p>18 THE WITNESS:</p> <p>19 I don't understand the activity.</p> <p>20 BY ATTORNEY DOUGHERTY:</p> <p>21 Q.So, the lawsuit causes you distress but you can't</p> <p>22 distinguish that distress from distress that you</p> <p>23 believe you had sustained because of the letters?</p> <p>24 A.I think they're all tied together, yes.</p> <p>25 Q.Other than your employment with the Hill School,</p>
<p style="text-align: right;">Page 172</p> <p>1 we're taking that off the table for the moment, is</p> <p>2 there any other job that you applied for that you've</p> <p>3 been rejected from because of the accusations by Mr.</p> <p>4 Poulos?</p> <p>5 A.No.</p> <p>6 Q.Did you pursue a position as headmaster of a</p> <p>7 school prior to your application to Leelanau?</p> <p>8 A.I'm sorry. I didn't catch the beginning.</p> <p>9 Q.Did you pursue a position as a headmaster at any</p> <p>10 other school prior to when you applied to Leelanau?</p> <p>11 A.I did, early 2000s. I was a finalist at West</p> <p>12 Nottingham Academy. That would have been 2004, I</p> <p>13 think, which is down in Maryland. I withdrew my name</p> <p>14 from that because our sons were --- the oldest one was</p> <p>15 just getting ready to --- I take that back. It would</p> <p>16 have probably have been 2000. I'm thinking the year</p> <p>17 he graduated. In 2000, I withdrew from that because,</p> <p>18 one, he was getting ready to start the Hill School</p> <p>19 and, two, I wasn't ready, at that point, to move on</p> <p>20 from teaching.</p> <p>21 Q.Okay.</p> <p>22 So, your perception is when you --- I'm sorry.</p> <p>23 Let me start again. So, is it correct that becoming a</p> <p>24 headmaster, the idea is that you no longer teach?</p> <p>25 A.Yes.</p>	<p style="text-align: right;">Page 173</p> <p>1 Q.And when you applied to Leelanau, you were ready</p> <p>2 to no longer teach?</p> <p>3 A.Yes. I think ready is not the right word I would</p> <p>4 use there. Willing to not teach to try something</p> <p>5 else.</p> <p>6 Q.Well, you didn't have to leave the Hill School</p> <p>7 when you left to go to Leelanau.</p> <p>8 Right?</p> <p>9 A.I did not.</p> <p>10 Q.So, you could have continued at the Hill School</p> <p>11 and continued teaching.</p> <p>12 A.I could have.</p> <p>13 Q.So, you made the voluntary decision to move away</p> <p>14 from teaching to become a headmaster when you left for</p> <p>15 the Leelanau School.</p> <p>16 Is that right?</p> <p>17 A.I did.</p> <p>18 Q.When you left the Leelanau School and came back</p> <p>19 to the Hill School, did you consider going back to</p> <p>20 teaching?</p> <p>21 A.Not really.</p> <p>22 Q.Did you read any of --- well, let me start again.</p> <p>23 I realize you indicated you read some portions of</p> <p>24 Mr. Poulos's deposition. Did you read any other</p> <p>25 testimony?</p>

<p style="text-align: right;">Page 174</p> <p>1 A.No.</p> <p>2 Q.Did you read your own testimony?</p> <p>3 A.I did.</p> <p>4 Q.When did you read your own testimony?</p> <p>5 A.Sometime between when we had it and the last six</p> <p>6 weeks. I can't tell you exactly when. But it was in</p> <p>7 that timeframe. I don't even know when they're</p> <p>8 available. But it was after, obviously.</p> <p>9 Q.So, sometime in the past few weeks?</p> <p>10 A.Yes.</p> <p>11 Q.Did you read all of your testimony?</p> <p>12 A.I did.</p> <p>13 Q.Did you read it closely?</p> <p>14 A.Most of it.</p> <p>15 Q.When you were reading your prior testimony, did</p> <p>16 you see any errors?</p> <p>17 A.One that I think is an error and that is when I</p> <p>18 described how Mr. Lehman gave me the letter. I don't</p> <p>19 actually remember if he handed me a copy or he emailed</p> <p>20 it. I don't remember. But I know he is the person</p> <p>21 who provided it to me.</p> <p>22 Q.And I think your recollection at the time, and</p> <p>23 let me know if it's been refreshed or if it's</p> <p>24 different was that you don't remember when you,</p> <p>25 actually, got the copy of the letter.</p>	<p style="text-align: right;">Page 175</p> <p>1 A.Right. I think ---.</p> <p>2 Q.You certainly knew the content. You talked to</p> <p>3 Mr. Lehman but we couldn't recall exactly how and when</p> <p>4 you got the letter, the actual letter.</p> <p>5 A.Right.</p> <p>6 Q.Has that changed? Have you remembered something?</p> <p>7 A.Just that --- no. What I remember is that I'm</p> <p>8 not certain he emailed it to me. And mostly, that</p> <p>9 comes from I don't know where I would have printed it.</p> <p>10 Printing it in the Advancement Office, the printers</p> <p>11 are not in the office. It didn't fit. I don't</p> <p>12 remember him handing it to me.</p> <p>13 Q.So, when you were reading your testimony, you</p> <p>14 thought to yourself how did I get a copy.</p> <p>15 A.Yeah.</p> <p>16 Q.Because you, eventually, had a copy.</p> <p>17 A.Yes.</p> <p>18 Q.Okay.</p> <p>19 Anything else that you saw when you were reading</p> <p>20 your testimony that you believed was an error?</p> <p>21 A.I don't think so. I'm sorry. I don't think so.</p> <p>22 Q.And when you were reading your testimony, did you</p> <p>23 remember anything that you previously did not?</p> <p>24 A.No.</p> <p>25 Q.The statements that form the basis for your</p>
<p style="text-align: right;">Page 176</p> <p>1 claims against Mr. Garabedian are the two letters.</p> <p>2 Is that right?</p> <p>3 A.Beg your pardon.</p> <p>4 Q.The statements that form the basis for --- let me</p> <p>5 start that again.</p> <p>6 The statements that form the basis for your claim</p> <p>7 against Mr. Garabedian are the letters, right, the</p> <p>8 April 2018 and December 2018 letters?</p> <p>9 A.They certainly are the initial and main parts of</p> <p>10 that. My understanding that there was no</p> <p>11 communications between him and the school in response</p> <p>12 to the school's requests play into that as well.</p> <p>13 Q.You understand that you have a defamation claim</p> <p>14 against Mr. Garabedian.</p> <p>15 Is that right?</p> <p>16 A.I do indeed.</p> <p>17 Q.And that as part of the defamation claim, you'd</p> <p>18 need to prove that there was a defamatory statement</p> <p>19 made by Mr. Garabedian against you --- about you.</p> <p>20 Is that right?</p> <p>21 A.I understand that.</p> <p>22 Q.Among other things. So, I just want to confirm</p> <p>23 that the statements that form the basis for your</p> <p>24 claims are the two letters, the April 2018 and the</p> <p>25 December 2018 letters, not some other letter that we</p>	<p style="text-align: right;">Page 177</p> <p>1 haven't discussed.</p> <p>2 A.Correct.</p> <p>3 Q.The statement by Mr. Garabedian that you believe</p> <p>4 to be about you that was not true.</p> <p>5 Is that right?</p> <p>6 A.Yes.</p> <p>7 Q.Are you aware of whether there has been any</p> <p>8 publicity about the accusations by Mr. Poulos against</p> <p>9 you?</p> <p>10 ATTORNEY JUBB:</p> <p>11 I'll object to the form.</p> <p>12 BY ATTORNEY DOUGHERTY:</p> <p>13 Q.I just want to know if you know of any publicity</p> <p>14 about the accusations by Mr. Poulos against you.</p> <p>15 A.No.</p> <p>16 Q.Have you ever spoken to Mary Ellen Poulos, Mr.</p> <p>17 Poulos's mother?</p> <p>18 A.Not since --- I assume I spoke with her when Mr.</p> <p>19 Poulos was a student. If I did, I don't remember the</p> <p>20 conversation and I've had none since.</p> <p>21 Q.Did you ever touch Mr. Poulos on any part of his</p> <p>22 body?</p> <p>23 A.Probably. Hand on a shoulder or something.</p> <p>24 Q.As far as you're concerned, any part of Mr.</p> <p>25 Poulos's body that you touched or any touching of Mr.</p>

<p style="text-align: right;">Page 178</p> <p>1 Poulos's body, was not inappropriate.</p> <p>2 A.That is my understanding.</p> <p>3 Q.Well, that's your position.</p> <p>4 Right?</p> <p>5 A.That's my position, yes.</p> <p>6 Q.Did you ever make Mr. Poulos take a quiz at the</p> <p>7 chalk board?</p> <p>8 A.I did not.</p> <p>9 Q.Did you make any students take a quiz at the</p> <p>10 chalk board?</p> <p>11 A.I did not.</p> <p>12 ATTORNEY DOUGHERTY:</p> <p>13 I think that's your cue to fill up the</p> <p>14 water cup.</p> <p>15 ATTORNEY JUBB:</p> <p>16 I'm trying to slow down the pace here.</p> <p>17 I don't know. I'm just warming up to a break.</p> <p>18 ATTORNEY DOUGHERTY:</p> <p>19 If you need a break, you can have one at</p> <p>20 any time.</p> <p>21 BY ATTORNEY DOUGHERTY:</p> <p>22 Q.Do you have any information about to whom Mr.</p> <p>23 Lehman provided the April 2018 letter?</p> <p>24 ATTORNEY JUBB:</p> <p>25 Objection to form. Asked and answered.</p>	<p style="text-align: right;">Page 179</p> <p>1 THE WITNESS:</p> <p>2 Only what I shared last time. And that</p> <p>3 was that he had shared it with legal committee and the</p> <p>4 board of trustees and his associate headmaster.</p> <p>5 BY ATTORNEY DOUGHERTY:</p> <p>6 Q.And that's information that you learned from Mr.</p> <p>7 Lehman.</p> <p>8 Right?</p> <p>9 A.Yes.</p> <p>10 Q. He told you that's to whom he provided the April</p> <p>11 2018 letter?</p> <p>12 A.Yes. And I guess I should include Mr. Rees.</p> <p>13 Q.Do you have any information about to whom Mr.</p> <p>14 Rees provided the December 2018 letter?</p> <p>15 A.I do not.</p> <p>16 Q.Do you know Preston Athey, A-T-H-E-Y?</p> <p>17 A.I do.</p> <p>18 Q.How do you know Preston Athey?</p> <p>19 A.He was chairman of the board of trustees at that</p> <p>20 time.</p> <p>21 Q.Do you mean in 2018?</p> <p>22 A.Yes.</p> <p>23 Q.Did you ever have any communications with Mr.</p> <p>24 Athey regarding the accusations by Mr. Poulos?</p> <p>25 A.No.</p>
<p style="text-align: right;">Page 180</p> <p>1 Q.Do you know whether Mr. Athey received the</p> <p>2 letters that included Mr. Poulos's accusations?</p> <p>3 A.From Mr. Lehman? Yes.</p> <p>4 Q.Generally.</p> <p>5 A.Yes. Well, yes, he had to.</p> <p>6 Q.Why do you say he had to?</p> <p>7 A.Because the chairman of the board of trustees is</p> <p>8 an ex officio member of legal --- of every committee.</p> <p>9 So, he's a member of the legal committee. And I know</p> <p>10 that's how the school operates.</p> <p>11 Q.Okay.</p> <p>12 So, based on Mr. Lehman's description of giving</p> <p>13 the letter, the April 2018 letter to the legal</p> <p>14 committee of the board of trustees, it's your belief</p> <p>15 that the former chairman of the board was a recipient</p> <p>16 or member of the legal committee recipient of the</p> <p>17 letter?</p> <p>18 A.Yes.</p> <p>19 Q.And I'm sorry. Did you ever speak to Mr. Athey</p> <p>20 about the accusations by Mr. Poulos?</p> <p>21 A.No.</p> <p>22 Q.Did you ever speak --- did you ever have any</p> <p>23 written communications with Mr. Athey regarding the</p> <p>24 accusations by Mr. Poulos?</p> <p>25 A.No.</p>	<p style="text-align: right;">Page 181</p> <p>1 Q.Did you have any contact with Mr. Athey before</p> <p>2 the April 2018 letter?</p> <p>3 A.Yes.</p> <p>4 Q.How frequently did you have contact with Mr.</p> <p>5 Athey before the April 2018 letter?</p> <p>6 A.At the very least, annually. And more likely,</p> <p>7 several times a year.</p> <p>8 Q.Did you have contact with Mr. Athey after the</p> <p>9 April 2018 letter?</p> <p>10 A.Yes.</p> <p>11 Q.What was the nature of your contact with Mr.</p> <p>12 Athey after the April 2018 letter?</p> <p>13 A.He joined me with --- in meetings with potential</p> <p>14 major donors.</p> <p>15 Q.And it's your belief that Mr. Athey also received</p> <p>16 the second letter, the December 2018 letter.</p> <p>17 Is that right?</p> <p>18 A.Yes.</p> <p>19 Q.Did you have contact with Mr. Athey after the</p> <p>20 December 2018 letter?</p> <p>21 A.Yes.</p> <p>22 Q.I'm sorry, the December 2018 letter.</p> <p>23 A.After the '18 letter, yes. That's what we did</p> <p>24 before.</p> <p>25 ATTORNEY JUBB:</p>



<p style="text-align: right;">Page 182</p> <p>1 Hold on. Everybody is misspeaking now</p> <p>2 so why don't you correct it.</p> <p>3 ATTORNEY DOUGHERTY:</p> <p>4 I said 2018 so that's what I was trying</p> <p>5 to do.</p> <p>6 ATTORNEY JUBB:</p> <p>7 Incorrect question and then, you get to</p> <p>8 talk too.</p> <p>9 BY ATTORNEY DOUGHERTY:</p> <p>10 Q.I just want to know if you had contact with Mr.</p> <p>11 Athey after the December 2018 letter.</p> <p>12 A.Yes.</p> <p>13 Q.And what was the nature of your contact with Mr.</p> <p>14 Athey after the December 2018 letter?</p> <p>15 A.We had visits in Chicago together.</p> <p>16 Q.Did anything change regarding the nature of your</p> <p>17 contact with Mr. Athey as it was prior to April 2018</p> <p>18 to after December 2018?</p> <p>19 A.From my perspective, yes, because I knew he was</p> <p>20 aware of the letters. It would have meant a lot to me</p> <p>21 if he asked how I was doing, even if it wasn't</p> <p>22 directly tied --- direct question regarding the</p> <p>23 letters. I spent three days with him feeling that</p> <p>24 there's this elephant in the room that's just sitting</p> <p>25 there.</p>	<p style="text-align: right;">Page 183</p> <p>1 Q.Did he ever do or say anything to you to lead you</p> <p>2 to believe that he credited or believed Mr. Poulos's</p> <p>3 accusations? He being Mr. Athey.</p> <p>4 ATTORNEY JUBB:</p> <p>5 Objection to the form.</p> <p>6 THE WITNESS:</p> <p>7 No.</p> <p>8 BY ATTORNEY DOUGHERTY:</p> <p>9 Q. Did Mr. Athey act any differently towards you?</p> <p>10 A.I don't think so. Can I --- I think not saying</p> <p>11 anything to me checking how I'm doing, just even in a</p> <p>12 general way, to me, felt like different --- treating</p> <p>13 me differently. We had had a good relationship. We</p> <p>14 spent time talking about lots of things prior to that.</p> <p>15 It was much harder for me to initiate any conversation</p> <p>16 when that was sitting in between us. That's my</p> <p>17 perspective.</p> <p>18 Q.Right. I understand. I just want to know ---</p> <p>19 so, Mr. Athey, from your perspective, didn't ask you</p> <p>20 how you were doing as much and so that was different</p> <p>21 in your view.</p> <p>22 A.Yes. I think we spent three days together in</p> <p>23 Chicago and it didn't come up. And I knew he knew.</p> <p>24 And there was just no questioning how I'm doing or any</p> <p>25 of that. And I understand not but it was hard for me</p>
<p style="text-align: right;">Page 184</p> <p>1 not to notice that absence of conversation.</p> <p>2 Q.So, you thought Mr. Athey should address the</p> <p>3 accusations with you?</p> <p>4 ATTORNEY JUBB:</p> <p>5 Object to the form.</p> <p>6 THE WITNESS:</p> <p>7 No. I think a person could ask a</p> <p>8 question in general just to see how you're doing with</p> <p>9 everything.</p> <p>10 BY ATTORNEY DOUGHERTY:</p> <p>11 Q.Do you think that that's something that Mr. Athey</p> <p>12 could do despite his position as the chairman of the</p> <p>13 board of trustees and a member of the legal committee?</p> <p>14 A.Probably not.</p> <p>15 Q.Did you ever ask or confront Mr. Athey about it?</p> <p>16 A.No.</p> <p>17 Q.Did Mr. Athey ever do or say anything --- let me</p> <p>18 start again. Do you have any idea about what Mr.</p> <p>19 Athey's opinion of you is?</p> <p>20 A.Today?</p> <p>21 Q.We can start with today.</p> <p>22 A.No.</p> <p>23 Q.Did you at any time know what Mr. Athey's opinion</p> <p>24 of you was?</p> <p>25 A.Prior to 2018?</p>	<p style="text-align: right;">Page 185</p> <p>1 Q.Yes.</p> <p>2 A.Yes.</p> <p>3 Q.And what was Mr. Athey's opinion --- or your</p> <p>4 understanding rather of Mr. Athey's opinion of you</p> <p>5 prior to 2018?</p> <p>6 A.That it was high.</p> <p>7 Q.Do you believe that, at some point, Mr. Athey's</p> <p>8 opinion of you changed?</p> <p>9 A.I don't have anything to base that on.</p> <p>10 Q.So, you don't know one way or the other what Mr.</p> <p>11 Athey's opinion is now?</p> <p>12 A.I don't.</p> <p>13 Q.Do you know Andrew Soussloff, S-O-U-S-S-L-O-F-F?</p> <p>14 A.What is it?</p> <p>15 Q.I might just be saying it wrong.</p> <p>16 A.I have met him I'm sure. I can't tell you that I</p> <p>17 can pick him out of a room.</p> <p>18 Q.Okay.</p> <p>19 So, I don't even know if that's the right --- do</p> <p>20 you know the right way to say the name now that I've</p> <p>21 shown it to you?</p> <p>22 A.Soussloff.</p> <p>23 Q.Soussloff or something like that. Yeah.</p> <p>24 S-O-U-S-S-L-O-F-F. And so, you've met Mr. Soussloff?</p> <p>25 A.I don't know that I have. I can't imagine that I</p>

<p style="text-align: right;">Page 186</p> <p>1 haven't. But I don't remember and I couldn't identify</p> <p>2 him to you.</p> <p>3 Q.So, you can't remember ever having any contact</p> <p>4 with him?</p> <p>5 A.No.</p> <p>6 Q.Do you recognize him as affiliated with the Hill</p> <p>7 School?</p> <p>8 A.Yes.</p> <p>9 Q.Do you know anything more about Mr. Soussloff's</p> <p>10 affiliation with the Hill School?</p> <p>11 A.I think he was on the board, which means he's an</p> <p>12 alumnus.</p> <p>13 Q.Do you have any information about whether Mr.</p> <p>14 Soussloff received the letters that included Mr.</p> <p>15 Poulos's accusations?</p> <p>16 A.I don't.</p> <p>17 Q.You never associated with Mr. Soussloff.</p> <p>18 Is that right?</p> <p>19 A.I don't remember associating with him.</p> <p>20 Q.You don't know what Mr. Soussloff's opinion of</p> <p>21 you is or if he even has one.</p> <p>22 Right?</p> <p>23 A.I don't.</p> <p>24 Q.Do you know Rick Wood?</p> <p>25 A.I've met Rick Wood.</p>	<p style="text-align: right;">Page 187</p> <p>1 Q.How do you know Rick Wood?</p> <p>2 A.He works in the --- or did work, I don't know if</p> <p>3 he still does, the Business Office at the Hill School.</p> <p>4 Q.So, you met Rick once?</p> <p>5 A.I would say at least once.</p> <p>6 Q.Do you know whether Mr. Wood received the letters</p> <p>7 that included Mr. Poulos's accusations?</p> <p>8 A.I do not.</p> <p>9 Q.Did you ever have any contact with Mr. Wood other</p> <p>10 than seeing him in the Business Office?</p> <p>11 A.No.</p> <p>12 Q.Did you ever associate with Mr. Wood?</p> <p>13 A.No.</p> <p>14 Q.Do you know whether Mr. Wood has an opinion of</p> <p>15 you?</p> <p>16 A.I don't.</p> <p>17 Q.Do you know Leslie Gomez?</p> <p>18 A.I do not.</p> <p>19 Q.Do you know Gina --- do you recognize the name</p> <p>20 Leslie Gomez without regard of whether you'd know her?</p> <p>21 A.I do recognize the name.</p> <p>22 Q.How do you recognize the name Leslie Gomez?</p> <p>23 A.From my understanding, she's an attorney with</p> <p>24 Cozen O'Connor.</p> <p>25 Q.Have you ever had contact with Ms. Gomez?</p>
<p style="text-align: right;">Page 188</p> <p>1 A.No.</p> <p>2 Q.Do you know whether Ms. Gomez has an opinion of</p> <p>3 you?</p> <p>4 A.I don't.</p> <p>5 Q.Do you know Gina Maisto Smith, M-A-I-S-T-O?</p> <p>6 A.No.</p> <p>7 Q.Do you recognize the name Gina Maisto Smith?</p> <p>8 A.Yes.</p> <p>9 Q.How do you recognize the name Gina Maisto Smith?</p> <p>10 A.She's an attorney with Cozen O'Connor.</p> <p>11 Q.Have you ever met Ms. Smith?</p> <p>12 A.I have not.</p> <p>13 Q.Do you know whether Ms. Smith has an opinion of</p> <p>14 you?</p> <p>15 A.I do not.</p> <p>16 Q.Do you know William Yinger?</p> <p>17 A.I do.</p> <p>18 Q.How do you know William Yinger?</p> <p>19 ATTORNEY JUBB:</p> <p>20 Objection to form. Asked and answered.</p> <p>21 THE WITNESS:</p> <p>22 He was a student at the school from 1992</p> <p>23 to 1995. He's a current teacher at the school. He's</p> <p>24 a former chair of the Science Department at the</p> <p>25 school. And he's a good friend.</p>	<p style="text-align: right;">Page 189</p> <p>1 BY ATTORNEY DOUGHERTY:</p> <p>2 Q.Are you aware that Mr. Yinger provided testimony</p> <p>3 in a deposition in this action?</p> <p>4 A.I beg your pardon.</p> <p>5 Q.Are you aware that Mr. Yinger provided testimony</p> <p>6 in a deposition in this action?</p> <p>7 A.I am.</p> <p>8 Q.Did you read Mr. Yinger's testimony?</p> <p>9 A.I have not.</p> <p>10 Q.Did you speak to Mr. Yinger about his testimony?</p> <p>11 A.I have not.</p> <p>12 Q.Do you know whether Mr. Yinger has an opinion of</p> <p>13 you?</p> <p>14 A.I do.</p> <p>15 Q.Do you know Mr. Yinger's opinion?</p> <p>16 A.Very high.</p> <p>17 Q.Mr. Yinger learned about the accusations by Mr.</p> <p>18 Poulos against you from you.</p> <p>19 Is that right?</p> <p>20 A.That's correct.</p> <p>21 Q.And learning about Mr. Poulos's accusations did</p> <p>22 not change Mr. Yinger's opinion of you.</p> <p>23 Is that right?</p> <p>24 A.It did not.</p> <p>25 Q.And Mr. Yinger has not stopped associating with</p>



<p style="text-align: right;">Page 190</p> <p>1 you since learning of the accusations by Mr. Poulos.</p> <p>2 Is that right?</p> <p>3 A.He has not.</p> <p>4 Q.Do you know Wallace Gundy, G-U-N-D-Y?</p> <p>5 A.I do.</p> <p>6 Q.How do you know Wallace Gundy?</p> <p>7 A.She's also a former student. She was a prefect</p> <p>8 in our dormitory. She was a faculty child. And I</p> <p>9 would consider her a friend as well.</p> <p>10 Q.Do you know what Ms. Gundy's opinion of you is?</p> <p>11 A.I think it's very high.</p> <p>12 Q.Does Ms. Gundy know of the accusations by Mr.</p> <p>13 Poulos?</p> <p>14 A.I believe so.</p> <p>15 Q.Do you know how Ms. Gundy learned of the</p> <p>16 accusations by Mr. Poulos?</p> <p>17 A.I don't.</p> <p>18 Q.Why do you believe Ms. Gundy is aware of the</p> <p>19 accusations by Mr. Poulos?</p> <p>20 A.I beg your pardon?</p> <p>21 Q.Why do you believe she's aware? Did she say</p> <p>22 something? Did somebody else tell you something?</p> <p>23 A.Let me rewind. She knew --- she was at the</p> <p>24 reunion that I didn't attend. And I got a note from</p> <p>25 her saying she missed us and knew that it wasn't</p>	<p style="text-align: right;">Page 191</p> <p>1 anything we could talk about. She's the president of</p> <p>2 the Alumni Association I think. And she is her class</p> <p>3 secretary. So, as far as how she found out, I can't</p> <p>4 say specifically. I have, actually, seen Wallace</p> <p>5 after ---.</p> <p>6 Q.I'm sorry. It's Mr., right?</p> <p>7 A.Oh, Mr.?</p> <p>8 Q.Is it Wallace Gundy?</p> <p>9 A.If it's Wallace, it's a she.</p> <p>10 Q.It's a she, okay.</p> <p>11 A.Her father was Jay.</p> <p>12 Q.I apologize. I thought I had been referring to</p> <p>13 her as --- a man as a woman. I'm sorry. Keep going.</p> <p>14 I apologize.</p> <p>15 A.I saw Wallace the summer of 2019 when I was on</p> <p>16 leave. And I gave her kind of a general outline</p> <p>17 without specifics. I haven't spoken with her since.</p> <p>18 I've had communications with her since. But I have</p> <p>19 not spoken with her since.</p> <p>20 Q.So, do you know --- let me start again.</p> <p>21 Do you have any information about whether Ms.</p> <p>22 Gundy received the letters?</p> <p>23 A.I don't.</p> <p>24 Q.So, it's your belief that Ms. Gundy learned some</p> <p>25 information about the accusations from a source other</p>
<p style="text-align: right;">Page 192</p> <p>1 than you and that you provided Ms. Gundy information</p> <p>2 about the accusations.</p> <p>3 Is that right?</p> <p>4 A.Yes.</p> <p>5 Q.And ---.</p> <p>6 A.And ---.</p> <p>7 Q.Go ahead.</p> <p>8 A.I don't know that she received information that</p> <p>9 there were accusations. I think she received</p> <p>10 information during her reunion that I couldn't be</p> <p>11 there and that it wasn't something I could talk about.</p> <p>12 Q.And what did Ms. Gundy say when you gave the</p> <p>13 general outline of the accusations?</p> <p>14 A.She was sorry and hoped we knew how she thought</p> <p>15 about us.</p> <p>16 Q.And what did you tell Ms. Gundy? You said you</p> <p>17 called it a general outline but what did you tell her?</p> <p>18 A.That someone had made an accusation against me.</p> <p>19 I wasn't specific in what it was.</p> <p>20 Q.Did you tell her it was --- oh, I'm sorry.</p> <p>21 A.And that I had filed a suit. At that point, I</p> <p>22 was on paid administrative leave. She already knew</p> <p>23 that much for sure.</p> <p>24 Q.Did you tell Ms. Gundy that the --- let me start</p> <p>25 again.</p>	<p style="text-align: right;">Page 193</p> <p>1 Did you tell Ms. Gundy the nature of the</p> <p>2 accusation?</p> <p>3 A.I don't believe so.</p> <p>4 Q.Did you tell her that it was by a former student?</p> <p>5 A.I don't know.</p> <p>6 Q.Did you identify Mr. Poulos as the accuser?</p> <p>7 A.I did not.</p> <p>8 Q.Do you know whether Ms. Gundy's opinion of you</p> <p>9 changed after learning the information about the</p> <p>10 accusations?</p> <p>11 A.I believe it did not.</p> <p>12 Q.So, as far as you know, Ms. Gundy's opinion of</p> <p>13 you is still high?</p> <p>14 A.Yes.</p> <p>15 Q.And Ms. Gundy hasn't stopped associating with you</p> <p>16 after learning the accusations.</p> <p>17 Is that right?</p> <p>18 A.That's right.</p> <p>19 Q.Do you know W. Christopher Drowne, D-R-O-W-N-E?</p> <p>20 A.I do.</p> <p>21 Q.How do you know W. Christopher Drowne?</p> <p>22 A.Chris was a teacher at the Hill School. He is</p> <p>23 also an alumnus. I taught his younger brother. And</p> <p>24 we were colleagues for if not every year I was</p> <p>25 teaching there, all but one or two. He was pretty</p>

<p style="text-align: right;">Page 194</p> <p>1 young when I arrived.</p> <p>2 Q.Do you know whether Mr. Drowne knows about the</p> <p>3 accusations by Mr. Poulos?</p> <p>4 A.I don't.</p> <p>5 Q.Have you ever talked to Mr. Drowne about the</p> <p>6 accusations by Mr. Poulos?</p> <p>7 A.I have not.</p> <p>8 Q.Do you have any information about whether Mr.</p> <p>9 Drowne received the letters that included the</p> <p>10 accusations by Mr. Poulos?</p> <p>11 A.I do not.</p> <p>12 Q.Do you know if Mr. Drowne has an opinion of you?</p> <p>13 A.I do.</p> <p>14 Q.Do you know what Mr. Drowne's opinion of you is?</p> <p>15 A.High.</p> <p>16 Q.It's your understanding that Mr. Drowne's opinion</p> <p>17 of you is high presently.</p> <p>18 Correct?</p> <p>19 A.Yes.</p> <p>20 Q.And that Mr. Drowne's opinion of you has always</p> <p>21 been high.</p> <p>22 Is that right?</p> <p>23 A.I think so.</p> <p>24 Q.And do you have any reason to believe that Mr.</p> <p>25 Drowne has stopped associating with you?</p>	<p style="text-align: right;">Page 195</p> <p>1 A.No.</p> <p>2 Q.I just want to confirm. Let me just ask the</p> <p>3 question. You told Mr. Neese about the accusations.</p> <p>4 Is that right?</p> <p>5 A.Mr. who/</p> <p>6 Q.Neese?</p> <p>7 A.Yes.</p> <p>8 Q.And you don't know whether Mr. Dougherty, David</p> <p>9 Dougherty, knows about the accusations.</p> <p>10 Is that right?</p> <p>11 A.Specifically, no but I do know, and I think I</p> <p>12 shared this last time, that I asked him to speak with</p> <p>13 me and he said he couldn't if it involved a legal</p> <p>14 matter at the school. So, I assume he knows.</p> <p>15 Q.And that's the only information you have about</p> <p>16 whether Mr. Dougherty knows about the accusations.</p> <p>17 Right?</p> <p>18 A.Yes.</p> <p>19 Q.Do you know James Alexandre, A-L-E-X-A-N-D-R-E?</p> <p>20 A.I do.</p> <p>21 Q.Did I say it right, Alexandre?</p> <p>22 A.I think, actually, I've always said Alexandre.</p> <p>23 Q.Maybe I just have it spelled wrong.</p> <p>24 A.This is the first time I saw the spelling.</p> <p>25 Q.Oh, so it's spelled --- it just says it</p>
<p style="text-align: right;">Page 196</p> <p>1 regularly.</p> <p>2 A.You've got it spelled right. He's a member of</p> <p>3 the board of trustees.</p> <p>4 Q.Do you know whether Mr. Alexandre has information</p> <p>5 or knows about the accusations by Mr. Poulos?</p> <p>6 A.No, not directly. He was a member of the board</p> <p>7 of trustees.</p> <p>8 Q.Was Mr. Landy --- let me start again. Was Mr.</p> <p>9 Alexandre a member of the legal committee?</p> <p>10 A.I don't know.</p> <p>11 Q.So, you don't have information one way or the</p> <p>12 other about whether Mr. Alexandre knows about the</p> <p>13 accusations by Mr. Poulos.</p> <p>14 Is that right?</p> <p>15 A.No. He may be the current chair of the board in</p> <p>16 which case he would know. But I don't remember who</p> <p>17 was Preston's assistant and I know that Preston is off</p> <p>18 the board or vice chair.</p> <p>19 Q.So, the only basis for your --- let me start</p> <p>20 again.</p> <p>21 You don't have any direct information about</p> <p>22 whether Mr. Alexandre received the letters or knows</p> <p>23 about the accusations.</p> <p>24 Is that right?</p> <p>25 A.I do not.</p>	<p style="text-align: right;">Page 197</p> <p>1 Q.You're just making an assumption because he's</p> <p>2 presently on the board?</p> <p>3 A.I think he is. I'm not certain of that.</p> <p>4 Q.So, if the school or the school's attorney</p> <p>5 confirmed that Mr. Alexandre did not receive the</p> <p>6 letters, would you accept that representation?</p> <p>7 A.I'd have no reason not to.</p> <p>8 Q.And then, you would have no reason to believe</p> <p>9 that Mr. Alexandre received the letters or knew about</p> <p>10 the accusations.</p> <p>11 Is that right?</p> <p>12 A.Yes.</p> <p>13 Q.Do you know whether Mr. Alexandre has an opinion</p> <p>14 of you?</p> <p>15 A.Not directly.</p> <p>16 Q.How about indirectly?</p> <p>17 A.I would assume it was good. I haven't interacted</p> <p>18 with him since I left the school in 2009.</p> <p>19 Q.Oh, I see. So, the last time you had contact</p> <p>20 with Mr. Alexandre was before you went to Leelanau.</p> <p>21 A.Yes.</p> <p>22 Q.And at that time, Mr. Alexandre had a good</p> <p>23 opinion of you.</p> <p>24 Is that right?</p> <p>25 COURT REPORTER:</p>

<p style="text-align: right;">Page 198</p> <p>1 Is that a yes?</p> <p>2 THE WITNESS:</p> <p>3 Yes. Sorry.</p> <p>4 BY ATTORNEY DOUGHERTY:</p> <p>5 Q.And nothing has happened since between you and</p> <p>6 Mr. Alexandre to lead you to believe that Mr.</p> <p>7 Alexandre's high opinion of you has changed.</p> <p>8 Is that right?</p> <p>9 A.Nothing.</p> <p>10 Q.And do you have an --- let me start again.</p> <p>11 You haven't had a reason to associate with Mr.</p> <p>12 Alexandre since 2009.</p> <p>13 Is that right?</p> <p>14 A.I have not.</p> <p>15 Q.So, there is no reason related to Mr. Poulos's</p> <p>16 accusations that you haven't interacted with Mr.</p> <p>17 Alexandre.</p> <p>18 Is that right?</p> <p>19 A.Not to my knowledge.</p> <p>20 Q.Do you know Scott Wilson?</p> <p>21 A.I'm sorry, Scott who?</p> <p>22 Q.Wilson, W-I-L-S-O-N.</p> <p>23 A.I don't think so.</p> <p>24 Q.Do you know Richard --- do you recognize the name</p> <p>25 Scott Wilson?</p>	<p style="text-align: right;">Page 199</p> <p>1 A.No.</p> <p>2 Q.Do you know Richard Tabarrini, T-A-B-A-R-R-I-N-I?</p> <p>3 A.I recognize the name.</p> <p>4 Q.How do you recognize the name Richard Tabarrini?</p> <p>5 A.As a parent of a student or students but not</p> <p>6 student or students I know.</p> <p>7 Q.So, you recognize Mr. Tabarrini's name to have</p> <p>8 some connection with the Hill School?</p> <p>9 A.Just as a parent.</p> <p>10 Q.As a parent? Do you know whether Mr. Tabarrini</p> <p>11 has an opinion of you?</p> <p>12 A.I don't.</p> <p>13 Q.Have you ever interacted with Mr. Tabarrini?</p> <p>14 A.Not to my recollection, no.</p> <p>15 Q.Do you know whether Mr. Tabarrini received the</p> <p>16 letters or information regarding Mr. Poulos's</p> <p>17 accusations?</p> <p>18 A.I do not.</p> <p>19 Q.Do you know James Sheward, S-H-E-W-A-R-D?</p> <p>20 A.I know the name. Don't think I could pick him</p> <p>21 out.</p> <p>22 Q.How do you recognize the name James Sheward?</p> <p>23 A.I don't know except that it feels familiar.</p> <p>24 Q.So, you don't have any information about whether</p> <p>25 Mr. Sheward is even affiliated with the Hill School.</p>
<p style="text-align: right;">Page 200</p> <p>1 Is that right?</p> <p>2 A.No. I mean, yes, that's right.</p> <p>3 Q.You just recognize the name. You have no idea</p> <p>4 where. How about Robert Oberrender,</p> <p>5 O-B-E-R-R-E-N-D-E-R?</p> <p>6 A.I do know him.</p> <p>7 Q.How do you know Mr. Oberrender?</p> <p>8 A.He's an alumnus of the school and was on the</p> <p>9 board and resides in Minneapolis area, which was in my</p> <p>10 territory. And I saw him in that capacity and he also</p> <p>11 met with some other donors in that area with me.</p> <p>12 Q.When was the last time you interacted with Mr.</p> <p>13 Oberrender?</p> <p>14 A.Probably sometime in the 2018/'19 school year.</p> <p>15 I'm sorry. It could have been '17/'18.</p> <p>16 Q.Do you know if Mr. Oberrender has an opinion of</p> <p>17 you?</p> <p>18 A.I know that he did.</p> <p>19 Q.What was Mr. Oberrender's opinion of you?</p> <p>20 A.I'm sorry.</p> <p>21 Q.It's okay.</p> <p>22 A.It was high or good, whatever, high.</p> <p>23 Q.I know you're detecting the pattern. You said</p> <p>24 did. What were you referring to?</p> <p>25 A.I haven't associated with him since the last time</p>	<p style="text-align: right;">Page 201</p> <p>1 I saw him.</p> <p>2 Q.And you don't remember the last time you saw Mr.</p> <p>3 Oberrender?</p> <p>4 A.No. The last time that's vivid, I can't tell you</p> <p>5 when it was. That's why it could have been '17/'18</p> <p>6 was in Minneapolis. Visited with another donor there.</p> <p>7 It's quite possible we would have crossed paths during</p> <p>8 a trustee weekend when we would have both likely been</p> <p>9 on campus. I'm going to need that break soon.</p> <p>10 Q.Oh, sure. Let me just finish up with Mr.</p> <p>11 Oberrender if that's okay.</p> <p>12 A.Of course.</p> <p>13 Q.Do you know whether Mr. Oberrender has any</p> <p>14 information about the accusations by Mr. Poulos?</p> <p>15 A.I don't.</p> <p>16 Q.Do you know whether Mr. Oberrender received the</p> <p>17 letters that included the accusations by Mr. Poulos?</p> <p>18 A.I don't.</p> <p>19 Q.And am I correct that you don't even know if the</p> <p>20 last time you saw Mr. Oberrender was before or after</p> <p>21 the letters.</p> <p>22 Is that right?</p> <p>23 A.I think it was after the first letter but I'm not</p> <p>24 absolutely certain.</p> <p>25 Q.Okay.</p>

<p style="text-align: right;">Page 202</p> <p>1 Nothing Mr. Oberrender did or said led you to</p> <p>2 believe that anything about his opinion of you had</p> <p>3 changed.</p> <p>4 Is that right?</p> <p>5 A. Correct.</p> <p>6 Q. So, the last time you saw Mr. Oberrender, he had,</p> <p>7 as far as you understood, a high opinion of you and</p> <p>8 you have no information that there has been any change</p> <p>9 in his opinion of you.</p> <p>10 A. That is correct.</p> <p>11 Q. And you haven't crossed paths with Mr. Oberrender</p> <p>12 because you're no longer affiliated with the Hill</p> <p>13 School. Is that right?</p> <p>14 A. That is correct.</p> <p>15 ATTORNEY DOUGHERTY:</p> <p>16 Okay. We can take a break.</p> <p>17 VIDEOGRAPHER:</p> <p>18 The time is 2:42. Going off the record.</p> <p>19 OFF VIDEO</p> <p>20 ---</p> <p>21 (WHEREUPON, A SHORT BREAK WAS TAKEN.)</p> <p>22 ---</p> <p>23 ON VIDEO</p> <p>24 VIDEOGRAPHER:</p> <p>25 The time is 2:54. Back on the record.</p>	<p style="text-align: right;">Page 203</p> <p>1 BY ATTORNEY DOUGHERTY:</p> <p>2 Q. You indicated that you didn't know Ms. Gomez or</p> <p>3 Ms. Smith. But did you prepare a statement that was</p> <p>4 for either Ms. Gomez or Ms. Smith?</p> <p>5 A. I don't believe so.</p> <p>6 Q. Did you prepare a statement that was intended for</p> <p>7 Ms. Gomez or Ms. Smith?</p> <p>8 A. I don't think so.</p> <p>9 Q. Did you prepare any type of statement for the</p> <p>10 school regarding your position or, you know, ---</p> <p>11 A. No.</p> <p>12 Q. --- explanation or response to Mr. Poulos's</p> <p>13 accusations?</p> <p>14 A. No.</p> <p>15 Q. Do you know John Millar, Jr.? M-I-L-L-A-R?</p> <p>16 A. I don't.</p> <p>17 Q. Do you recognize the name, John Millar, Jr.,</p> <p>18 M-I-L-L-A-R?</p> <p>19 A. I don't.</p> <p>20 Q. I guess it could be Miller but with an A on it?</p> <p>21 A. No.</p> <p>22 Q. No. So you don't recognize that name to any</p> <p>23 extent?</p> <p>24 A. No, ma'am.</p> <p>25 Q. How about Jason Ingle, I-N-G-L-E?</p>
<p style="text-align: right;">Page 204</p> <p>1 A. I know that name. I believe Jason --- I'm sorry.</p> <p>2 Go ahead or ask how.</p> <p>3 Q. Sure.</p> <p>4 How do you know --- how do you recognize the name</p> <p>5 Jason Ingle?</p> <p>6 A. He's, I'm pretty sure, an alumnus of the school.</p> <p>7 And I think he graduated before I started, but close</p> <p>8 to when I started in '92. I'm not certain.</p> <p>9 ATTORNEY DOUGHERTY:</p> <p>10 And just for the record, Mr. Chris Yu is</p> <p>11 now in the room. He's another lawyer for Mr.</p> <p>12 Garabedian. Ms. Steiger has left.</p> <p>13 BY ATTORNEY DOUGHERTY:</p> <p>14 Q. Okay.</p> <p>15 So you recognize Jason Ingle as a student in the</p> <p>16 '90s?</p> <p>17 A. Prior --- it would have been early '90s or late</p> <p>18 '80s. I'm pretty sure he graduated before I ---.</p> <p>19 Q. Prior to when you started at the Hill School?</p> <p>20 A. Before I started. I don't know him, I don't</p> <p>21 think.</p> <p>22 Q. Do you recognize the name Jason Ingle as a former</p> <p>23 student of the Hill School?</p> <p>24 A. I do.</p> <p>25 Q. Do you recognize the name Jason Ingle in any</p>	<p style="text-align: right;">Page 205</p> <p>1 other context?</p> <p>2 A. I don't.</p> <p>3 Q. Do you have any information about whether Jason</p> <p>4 Ingle received the letters or information about the</p> <p>5 accusations by Mr. Poulos?</p> <p>6 A. I don't.</p> <p>7 Q. Do you know whether Mr. Ingle has an opinion of</p> <p>8 you?</p> <p>9 A. I don't.</p> <p>10 Q. Do you know Peter Humphrey?</p> <p>11 A. I do.</p> <p>12 Q. How do you know Peter Humphrey?</p> <p>13 A. First met him as a parent of a student. He was a</p> <p>14 member of the board at least when I left the Hill</p> <p>15 School in 2009.</p> <p>16 Q. So the first time you left the Hill School?</p> <p>17 A. Uh-huh (yes.)</p> <p>18 Q. I just wanted to make sure ---.</p> <p>19 A. And he could still be. I don't know.</p> <p>20 Q. Okay.</p> <p>21 So you recognize Mr. Humphrey as a board member</p> <p>22 in 2009?</p> <p>23 A. I did. I do.</p> <p>24 Q. Have you had any contact with Mr. Humphrey since</p> <p>25 2009?</p>

<p style="text-align: right;">Page 206</p> <p>1 A.I don't know. Maybe --- probably --- maybe on  2 campus. I don't recall anything specific. Oh, yes, I  3 do. I had contact with him when I was at Leelanau.  4 He's in banking. And we were in a financially  5 difficult place, and I called him to speak about ways  6 --- different ways banks will finance or lend to  7 institutions.  8 Q.All right.  9 So it was Leelanau School?  10 A.Yes. Yeah, not Matt.  11 Q.So other than a contact that you had with Mr.  12 Humphrey when you were at Leelanau School, has there  13 been any other contact with Mr. Humphrey?  14 A.No.  15 Q.Since 2009?  16 A.No, unless I passed him on campus and we shook  17 hands. But I don't remember.  18 Q.Do you know whether Mr. Humphrey has an opinion  19 of you?  20 A.I know he did. It was high.  21 Q.And do you have any reason to believe that Mr.  22 Humphrey's high opinion of you has changed?  23 A.I don't.  24 Q.Do you have any information about whether Mr.  25 Humphrey received the letters or learned about the</p>	<p style="text-align: right;">Page 207</p> <p>1 accusations by Mr. Poulos?  2 A.I don't.  3 Q.Do you know Michael Harris?  4 A.I've met him.  5 Q.H-A-R-R-I-S.  6 A.I think I've met him.  7 Q.How do you know or, I guess, recognize Mr.  8 Harris' name?  9 A.A board member. I met him on one of my weeks  10 back on campus. I believe he was a parent at the  11 time, but I'm not certain of that.  12 Q.Do you have any information about whether Mr.  13 Harris received the letters or information about Mr.  14 Poulos's accusations?  15 A.I do not.  16 Q.Do you know whether Mr. Harris has an opinion of  17 you?  18 A.I do not.  19 Q.Do you know John M. Gvotas, G-V-O-D-A-S?  20 A.I think that's pretty close. I'm not sure if  21 I've met him, but I do know the name.  22 Q.How do you recognize the name John M. Gvotas?  23 A.He was a parent of at least two kids, maybe more.  24 Q.When you were a teacher?  25 A.No. He was a parent of students. No, that was</p>
<p style="text-align: right;">Page 208</p> <p>1 --- I'm pretty sure that's after I left. I didn't  2 know the kids so that's why I say that. And he was on  3 the board. And I believe he was local to Pottstown.  4 Q.Okay.  5 So you know Mr. Gvotas as a parent of students  6 and on the board at the Hill School from your time ---  7 your second time at the Hill School?  8 A.If I've met him, yes. I may know the name, if  9 he's the person I'm thinking of, a local veterinarian.  10 Q.Oh, I got it. You don't actually know him, but  11 you recognize the name?  12 A.No. I don't.  13 Q.Okay.  14 So you don't even know if you've met him?  15 A.I don't.  16 Q.So you don't --- do you know whether Mr. Gvotas  17 has an opinion of you?  18 A.I don't.  19 Q.Do you have any information about whether Mr.  20 Gvotas received the letters or information about Mr.  21 Poulos's accusations?  22 A.I don't.  23 Q.Do you know Lynne Evans, L-Y-N-N-E, Evans,  24 E-V-A-N-S?  25 A.I do.</p>	<p style="text-align: right;">Page 209</p> <p>1 Q.How do you know Lynne Evans?  2 A.She's a former student and was on the board of  3 trustees when I left in 2019.  4 Q.Do you know whether Ms. Evans received the  5 letters or has information or --- I mean let me start  6 again.  7 Do you know whether Ms. Evans received the  8 letters or information about the accusations by Mr.  9 Poulos?  10 A.I don't.  11 Q.Do you know whether Ms. Evans has an opinion of  12 you?  13 A.I do.  14 Q.What is Ms. Evans' opinion of you?  15 A.I can't speak to today, but it was high.  16 Q.When is the last time you had contact with Ms.  17 Evans?  18 A.Probably 2019.  19 Q.Before or after administrative leave?  20 A.It would have been before.  21 Q.And do you have any information that would lead  22 you to believe that Ms. Evans' high opinion of you has  23 changed since 2019?  24 A.I don't, but she would be on the list of people I  25 haven't seen if I was out here because of my not</p>

<p style="text-align: right;">Page 210</p> <p>1 wanting to have to lie about where I am if she doesn't</p> <p>2 know.</p> <p>3 Q.I don't understand.</p> <p>4 A.I think I said earlier that there are --- my</p> <p>5 separation from the community has resulted in my not</p> <p>6 seeing alumni that I know because I would either have</p> <p>7 to answer their questions with a lie or be misleading.</p> <p>8 Q.Is it your belief that you're not allowed to tell</p> <p>9 alumni about your lawsuit?</p> <p>10 A.It's --- no.</p> <p>11 Q.So why can't you tell Ms. Evans about your</p> <p>12 lawsuit?</p> <p>13 ATTORNEY JUBB:</p> <p>14 Object to the form.</p> <p>15 THE WITNESS:</p> <p>16 I think it's because I can't go into</p> <p>17 detail. I don't feel that's appropriate or right to</p> <p>18 do. And so I don't --- my relationship with her,</p> <p>19 while it was good and many others was good, I don't</p> <p>20 think it's appropriate for me to have those</p> <p>21 conversations with them or association with them in</p> <p>22 that way.</p> <p>23 BY ATTORNEY DOUGHERTY:</p> <p>24 Q.You understand that the Complaint that you filed</p> <p>25 is a public document.</p>	<p style="text-align: right;">Page 211</p> <p>1 Right?</p> <p>2 A.I do.</p> <p>3 Q.And I think you have confirmed that you realize</p> <p>4 that your identity will at least be revealed during</p> <p>5 trial.</p> <p>6 Right?</p> <p>7 A.I have.</p> <p>8 Q.So I guess I'm confused as to why you don't</p> <p>9 believe you can give your Complaint or information</p> <p>10 about your lawsuit to Ms. Evans or another alumni, but</p> <p>11 you can make it publicly available. What's the</p> <p>12 distinction that you're making there?</p> <p>13 ATTORNEY JUBB:</p> <p>14 Objection to the form.</p> <p>15 THE WITNESS:</p> <p>16 I need to know, I think, more of what</p> <p>17 you're wanting to hear from me. Not what you want to</p> <p>18 hear from me, but what you're asking of me.</p> <p>19 BY ATTORNEY DOUGHERTY:</p> <p>20 Q.I guess I don't understand why you can't tell Ms.</p> <p>21 --- let me start again.</p> <p>22 Did you consider giving Ms. Evans a copy of one</p> <p>23 of your Complaints?</p> <p>24 A.Heavens, no.</p> <p>25 Q.Why not?</p>
<p style="text-align: right;">Page 212</p> <p>1 A.Just doesn't feel right. It is --- it involves</p> <p>2 ugly allegations. It involves putting their high</p> <p>3 school --- making them question that, questions I</p> <p>4 can't answer and questions they may not feel</p> <p>5 comfortable asking of the school. And I just can't</p> <p>6 lie to them of questions they may ask that I don't</p> <p>7 think are appropriate to answer.</p> <p>8 Q.You mean, like are you talking about why you</p> <p>9 decided to file your lawsuit?</p> <p>10 ATTORNEY JUBB:</p> <p>11 Objection to the form.</p> <p>12 THE WITNESS:</p> <p>13 I think I'm talking about ---.</p> <p>14 BY ATTORNEY DOUGHERTY:</p> <p>15 Q.Well, let me just clarify. The stuff that you</p> <p>16 say you think is inappropriate about their high</p> <p>17 school, you know, to tell certain people, are you</p> <p>18 talking about, you know, the school's reaction to the</p> <p>19 accusations, what led you to file your lawsuit? Is</p> <p>20 that what you think is not appropriate to tell them?</p> <p>21 ATTORNEY JUBB:</p> <p>22 Objection to the form.</p> <p>23 THE WITNESS:</p> <p>24 I think it's inappropriate to say to a</p> <p>25 student that --- excuse me, a member of the alumni</p>	<p style="text-align: right;">Page 213</p> <p>1 who's a former student who had a good relationship</p> <p>2 with me and we always enjoyed seeing each other in</p> <p>3 passing, but I don't have an active and current</p> <p>4 relationship with them on a regular basis. I don't</p> <p>5 feel like it's appropriate to say here's what I was</p> <p>6 accused of and here's what I've done.</p> <p>7 BY ATTORNEY DOUGHERTY:</p> <p>8 Q.I thought you said that you filed the lawsuit</p> <p>9 because you wanted to get your voice out?</p> <p>10 ATTORNEY JUBB:</p> <p>11 Objection to the form. Are we still</p> <p>12 doing this again, why did he file the lawsuit?</p> <p>13 ATTORNEY DOUGHERTY:</p> <p>14 Please stop.</p> <p>15 ATTORNEY JUBB:</p> <p>16 We've got 25 minutes left before this</p> <p>17 deposition is over.</p> <p>18 ATTORNEY DOUGHERTY:</p> <p>19 Please stop. I wasn't even done with my</p> <p>20 question.</p> <p>21 ATTORNEY JUBB:</p> <p>22 Please note my objection.</p> <p>23 ATTORNEY DOUGHERTY:</p> <p>24 So please don't do that again.</p> <p>25 ATTORNEY JUBB:</p>

<p style="text-align: right;">Page 214</p> <p>1 Please note my objection.</p> <p>2 BY ATTORNEY DOUGHERTY:</p> <p>3 Q.I thought that you said that you filed your</p> <p>4 lawsuit to get your voice out. So why don't you want</p> <p>5 to get your voice out to these alumni? That's what</p> <p>6 I'm trying to understand. What is different about</p> <p>7 these alumni than the rest of the world that you're</p> <p>8 telling about your lawsuit?</p> <p>9 ATTORNEY JUBB:</p> <p>10 Objection to the form.</p> <p>11 THE WITNESS:</p> <p>12 The depth of my relationship with them.</p> <p>13 BY ATTORNEY DOUGHERTY:</p> <p>14 Q.So as it relates to Ms. Evans, you don't have any</p> <p>15 information one way or the other about whether she</p> <p>16 knows about the accusations by Mr. Poulos or the</p> <p>17 letters.</p> <p>18 Is that right?</p> <p>19 A.I do not.</p> <p>20 Q.And you don't have information one way or the</p> <p>21 other about whether her high opinion of you has</p> <p>22 changed.</p> <p>23 Is that right?</p> <p>24 A.I don't.</p> <p>25 Q.Ms. Evans hasn't done or said anything to you to</p>	<p style="text-align: right;">Page 215</p> <p>1 lead you to believe that her high opinion of you has</p> <p>2 changed.</p> <p>3 Is that right?</p> <p>4 A.She has not. I have not seen her.</p> <p>5 Q.Ms. Evans hasn't done or said anything to you to</p> <p>6 lead you to believe that she no longer wants to</p> <p>7 associate with you.</p> <p>8 Is that right?</p> <p>9 A.She has not.</p> <p>10 Q.Do you know Elizabeth Burton?</p> <p>11 A.Yes.</p> <p>12 Q.B-U-R-T-O-N?</p> <p>13 A.I do.</p> <p>14 Q.How do you know Elizabeth Burton?</p> <p>15 A.She also, a former student, although I didn't</p> <p>16 teach her.</p> <p>17 Q.Do you have any information about whether Ms.</p> <p>18 Burton received the letters or knows about the</p> <p>19 accusations by Mr. Poulos?</p> <p>20 A.I do not.</p> <p>21 Q.Do you know whether Ms. Burton has an opinion of</p> <p>22 you?</p> <p>23 A.I don't.</p> <p>24 Q.When was the last time you had contact with Ms.</p> <p>25 Burton?</p>
<p style="text-align: right;">Page 216</p> <p>1 A.I don't know. It would have been on campus</p> <p>2 possibly when I was back working. Excuse me, back</p> <p>3 when I was working '16 to '19. But I don't recall</p> <p>4 seeing her.</p> <p>5 Q.So you have no information one way or the other</p> <p>6 about Ms. Burton's opinion or whether she is or isn't</p> <p>7 associating with you.</p> <p>8 Is that right?</p> <p>9 A.That's correct.</p> <p>10 Q.Is it --- just going back to Ms. Evans for a</p> <p>11 second. I think you said that you were concerned that</p> <p>12 you would have to lie or not be completely truthful if</p> <p>13 you saw her. What would you have to lie about?</p> <p>14 A.I think I added or had in that answer as well is</p> <p>15 the position it puts the kids in with the school. I</p> <p>16 can't be misleading in why I'm there. They can have</p> <p>17 questions about the school. I don't think it's</p> <p>18 appropriate for me to put them in that position, as</p> <p>19 well as not feeling it's appropriate to talk about</p> <p>20 what I've been accused of.</p> <p>21 Q.So, like, a lie of omission type of thing? Like,</p> <p>22 you wouldn't be able to give them full information?</p> <p>23 A.Yes.</p> <p>24 Q.Full information ---?</p> <p>25 A.Or misleading.</p>	<p style="text-align: right;">Page 217</p> <p>1 Q.Both.</p> <p>2 Peter Benedict, do you know Peter Benedict,</p> <p>3 B-E-N-E-D-I-C-T?</p> <p>4 A.We met years ago before --- while I was a</p> <p>5 teacher. He's also an alumnus.</p> <p>6 Q.When was the last time you had contact with Mr.</p> <p>7 Benedict?</p> <p>8 A.It would have been before 2009. He was a</p> <p>9 commencement speaker one year. I don't recall any</p> <p>10 contact with him during, but that would have been</p> <p>11 where I met him, if I did.</p> <p>12 Q.Do you know whether Mr. Benedict received the</p> <p>13 letters or any information regarding Mr. Poulos's</p> <p>14 accusations?</p> <p>15 A.I don't.</p> <p>16 Q.Do you know whether Mr. --- do you know whether</p> <p>17 Mr. Benedict has an opinion of you?</p> <p>18 A.I don't.</p> <p>19 Q.Do you know Matthew Bates? B-A-T-E-S?</p> <p>20 A.I do.</p> <p>21 Q.How do you know Matthew Bates?</p> <p>22 A.He also was a student. I didn't teach him. He</p> <p>23 had a younger brother, sibling, who did live in our</p> <p>24 dormitory. I did not have a close relationship with</p> <p>25 Matt when he was in school. I did his brother.</p>



<p style="text-align: right;">Page 218</p> <p>1 Q.When was the last time you had contact with</p> <p>2 Matthew Bates?</p> <p>3 A.I don't know. Again, if I saw him when I was</p> <p>4 back between '16 and '19, it would have been in</p> <p>5 passing on campus and we would have said hello and had</p> <p>6 a quick conversation. Beyond that, I don't remember.</p> <p>7 Q.Do you know whether Mr. Bates has an opinion of</p> <p>8 you?</p> <p>9 A.I don't.</p> <p>10 Q.Do you know whether Mr. Bates has any information</p> <p>11 regarding the accusations by Mr. Poulos or the</p> <p>12 letters?</p> <p>13 A.I don't.</p> <p>14 Q.You mentioned that Matthew Bates has a brother</p> <p>15 that you knew better?</p> <p>16 A.I did.</p> <p>17 Q.What is Matthew Bates' brother's name?</p> <p>18 A.Ryan.</p> <p>19 Q.Are you still in contact with Ryan Bates?</p> <p>20 A.No.</p> <p>21 Q.When was the last time you had contact with Ryan</p> <p>22 Bates?</p> <p>23 A.Probably at a wedding. And I can't even tell you</p> <p>24 whose. I can't tell you whose wedding, but I have a</p> <p>25 recollection of seeing him at a wedding under a tent.</p>	<p style="text-align: right;">Page 219</p> <p>1 But, again, that would have been well before 2019 or</p> <p>2 2018. 2016, even.</p> <p>3 Q.Do you know Kent Andres, A-N-D-R-E-S?</p> <p>4 A.I do.</p> <p>5 Q.How do you know Kent Andres?</p> <p>6 A.He was a former student of mine. I did teach</p> <p>7 Kent. He is a younger brother of a student ---</p> <p>8 younger brother of a student who graduated in the</p> <p>9 early '90s, and the older brother of a young woman who</p> <p>10 graduated in the early 2000s. He was a donor assigned</p> <p>11 to me at his request when I returned to the school in</p> <p>12 2016.</p> <p>13 Q.Do you know whether Mr. Andres --- well, let me</p> <p>14 start again.</p> <p>15 When was the last time you had contact with Mr.</p> <p>16 Andres?</p> <p>17 A.Probably 2019.</p> <p>18 Q.Before or after your leave?</p> <p>19 A.Before.</p> <p>20 Q.Do you know whether Mr. Andres has any</p> <p>21 information regarding the letters or accusations by</p> <p>22 Mr. Poulos?</p> <p>23 A.I don't.</p> <p>24 Q.Do you know whether Mr. Andres has an opinion of</p> <p>25 you?</p>
<p style="text-align: right;">Page 220</p> <p>1 A.I know he did. Assuming he doesn't know, he</p> <p>2 still would.</p> <p>3 Q.Okay.</p> <p>4 And so what --- what is your understanding of Mr.</p> <p>5 Andre's opinion of you?</p> <p>6 A.Very high.</p> <p>7 Q.You just haven't had contact with Mr. Andres</p> <p>8 since your leave.</p> <p>9 Is that right?</p> <p>10 A.That's correct.</p> <p>11 Q.But you had contact with Mr. Andres after the</p> <p>12 April or December 2018 letters.</p> <p>13 Is that right?</p> <p>14 A.I did.</p> <p>15 Q.So you have no information one way or the other</p> <p>16 to know whether Mr. Andres' high opinion of you has</p> <p>17 changed.</p> <p>18 Is that right?</p> <p>19 A.Did you ask if I've had contact with him since my</p> <p>20 leave?</p> <p>21 Q.Yeah, and you said no.</p> <p>22 A.And I need to change that. I have. The school</p> <p>23 changed its logo and I can't tell you when but it was</p> <p>24 after my leave started. He sent me a text message</p> <p>25 asking me about the change in logo because it was not</p>	<p style="text-align: right;">Page 221</p> <p>1 a very popular change among some of the older alumni</p> <p>2 that I know from my time. And I referred him to Geoff</p> <p>3 Neese, and that was the last contact we had.</p> <p>4 Q.Okay.</p> <p>5 So you don't have any reason to believe or</p> <p>6 information that Mr. Andres' very high opinion of you</p> <p>7 has changed.</p> <p>8 Is that right?</p> <p>9 A.I don't.</p> <p>10 Q.Do you know Lance Whitlock?</p> <p>11 A.Yes.</p> <p>12 Q.How do you know Lance Whitlock?</p> <p>13 A.He was also --- is also a former student.</p> <p>14 Q.When was the last time you had contact with Lance</p> <p>15 Whitlock?</p> <p>16 A.Maybe when he graduated.</p> <p>17 Q.In the '90s?</p> <p>18 A.Yes.</p> <p>19 Q.How about Ben Walborn, W-A-L-B-O-R-N? Do you</p> <p>20 know Ben Walborn?</p> <p>21 A.I do.</p> <p>22 Q.How do you know Ben Walborn?</p> <p>23 A.He's the youngest of three brothers who attended</p> <p>24 the school and part of a family that I've stayed in</p> <p>25 close contact with since.</p>



<p style="text-align: right;">Page 222</p> <p>1 Q.When is the last time you had contact with Ben</p> <p>2 Walborn?</p> <p>3 A.I saw Ben --- it's been a few weeks ago. He's a</p> <p>4 Navy pilot. And Mary Beth and I went to a show which</p> <p>5 he was flying in.</p> <p>6 Q.Do you know whether Mr. Walborn knows about the</p> <p>7 accusations by Mr. Poulos?</p> <p>8 A.I know he does.</p> <p>9 Q.Do you know how Mr. Walborn learned about the</p> <p>10 accusations by Mr. Poulos?</p> <p>11 A.Let me rephrase that. I know he knows that I'm</p> <p>12 no longer at the school and that I'm involved in a</p> <p>13 lawsuit that I filed. I don't know beyond that.</p> <p>14 Q.Is that information that you told Mr. Walborn?</p> <p>15 A.It is.</p> <p>16 Q.When did you tell Mr. Walborn that you were no</p> <p>17 longer at the school and involved in a lawsuit that</p> <p>18 you filed?</p> <p>19 A.It was well after the lawsuit was filed and I was</p> <p>20 no longer at the school.</p> <p>21 Q.Do you know whether Mr. Walborn has an opinion of</p> <p>22 you?</p> <p>23 A.I do.</p> <p>24 Q.Do you know what Mr. Walborn's opinion is?</p> <p>25 A.It's very high.</p>	<p style="text-align: right;">Page 223</p> <p>1 Q.And nothing --- Mr. Walborn's opinion of you</p> <p>2 hasn't changed, as far as you know, since he learned</p> <p>3 about --- learned that you're no longer at the school</p> <p>4 and you're involved in a lawsuit.</p> <p>5 Correct?</p> <p>6 A.It has not changed.</p> <p>7 Q.Did you give Mr. Walborn any information about</p> <p>8 the nature of your lawsuit?</p> <p>9 A.I think when I've shared it with people in that</p> <p>10 way, it is some accusations were filed against me and</p> <p>11 they're of the most heinous thing a teacher could do</p> <p>12 with a student, and I've left it at that.</p> <p>13 Q.Okay.</p> <p>14 So you gave a description along those lines to</p> <p>15 Mr. Walborn?</p> <p>16 A.Yes.</p> <p>17 Q.So he has some idea that a student accused you of</p> <p>18 heinous activity or very bad activity?</p> <p>19 A.That's what I shared with him, yes.</p> <p>20 Q.Okay.</p> <p>21 And Mr. Walborn's opinion of you hasn't changed</p> <p>22 since you shared that information?</p> <p>23 A.It has not.</p> <p>24 Q.And Mr. Walborn hasn't stopped associating with</p> <p>25 you?</p>
<p style="text-align: right;">Page 224</p> <p>1 A.He has not.</p> <p>2 Q.Do you know F. Christopher Chireleison?</p> <p>3 A.I do.</p> <p>4 Q.C-H-I-R-E-L-E-I-S-O-N. How do you know Mr.</p> <p>5 Chireleison?</p> <p>6 A.He ---.</p> <p>7 Q.I hope I said that right.</p> <p>8 A.You did. He's also an alumnus of the school and</p> <p>9 was teaching at the school when we arrived in 1992.</p> <p>10 We worked closely together. I can't tell you exactly</p> <p>11 what years he was a dean of students. He left the</p> <p>12 school in 1997 --- at the end of the 1997 school year.</p> <p>13 We've remained in close contact with each other since</p> <p>14 and we're very good friends.</p> <p>15 Q.You told Mr. Chireleison about the accusations by</p> <p>16 Mr. Poulos.</p> <p>17 Is that right?</p> <p>18 A.I did, yes. Yeah, he's the one we discussed last</p> <p>19 time.</p> <p>20 Q.And Christopher Hopkins, he's your friend.</p> <p>21 Right?</p> <p>22 A.He is.</p> <p>23 Q.And you told Mr. Hopkins about the accusations by</p> <p>24 Mr. Poulos.</p> <p>25 Is that right?</p>	<p style="text-align: right;">Page 225</p> <p>1 A.I did.</p> <p>2 Q.You identified a gentleman Faizeen Khandker.</p> <p>3 A.Khandker (corrects pronunciation.)</p> <p>4 Q.Khandker. Okay.</p> <p>5 Do you have any --- can you --- do you know how</p> <p>6 to spell his last name?</p> <p>7 A.K-H-A-N --- I think it's K-E-R. Pretty sure it's</p> <p>8 E, not an A at the end.</p> <p>9 Q.Do you have any --- you don't have to give it to</p> <p>10 me right now, but do you have contact information for</p> <p>11 Mr. Khandker?</p> <p>12 A.I think so. Khandker (corrects pronunciation).</p> <p>13 Q.Khandker. Okay.</p> <p>14 So is that something that you can share with your</p> <p>15 lawyer? We're trying to locate him.</p> <p>16 A.If I still have it, yes.</p> <p>17 Q.I know you might not know it off the top of your</p> <p>18 head.</p> <p>19 A.I don't.</p> <p>20 Q.There were a number of board members that you</p> <p>21 identified in your party of depositions. Hans Maentz?</p> <p>22 A.Maentz (corrects pronunciation.)</p> <p>23 Q.Maentz, M-A-E-N-T-Z. Douglas Brody, Shelly</p> <p>24 Gyves, G-Y --- G-V-Y-E-S. I might be saying that</p> <p>25 wrong.</p>

<p style="text-align: right;">Page 226</p> <p>1 A.I think it's G-Y-V-E-S.  2 Q.G-Y-V-E-S. Okay.  3 And Madison Benadum.  4 A.Madison what?  5 Q.Benadum, B-E-N-A ---.  6 A.Should be B-Y-R-N-E-S.  7 Q.B-Y-R-N-E-S.  8 A.Yes, she's gotten married.  9 Q.Byrnes?  10 A.Byrnes, yes.  11 Q.Madison Byrnes, okay. So Hans Maentz, Douglas  12 Brody, Shelly Gyves, Madison Byrnes.  13 Do I have that right now?  14 A.Yes.  15 Q.Okay.  16 And I think you --- your belief that these  17 specific --- these five board members knew about the  18 letters or the accusations by Mr. Poulos was an  19 assumption that they had received the letters from,  20 you know, Mr. Rees or someone else because they were  21 board members.  22 Is that right?  23 A.Yes.  24 Q.And if Mr. Rees or someone from the school ---  25 well, let me start again.</p>	<p style="text-align: right;">Page 227</p> <p>1 If someone from the school or a lawyer for the  2 school confirmed for you that Mr. Maentz, Mr. Brody,  3 Ms. Gyves and Ms. Byrnes did not receive the letters  4 from Mr. Lehman or from Mr. Rees, then would you  5 accept that representation?  6 ATTORNEY JUBB:  7 I'll object to the form. You can  8 answer.  9 THE WITNESS:  10 In all but one case.  11 BY ATTORNEY DOUGHERTY:  12 Q.Which one?  13 A.Shelly Gyves. I don't know what the --- enough  14 to know what committees the others are on. I know  15 she's a member of the legal committee.  16 Q.Okay.  17 So you dispute --- you think that Shelly Gyves  18 was part of --- let me start.  19 You believe that Shelly Gyves was part of a legal  20 committee in 2018?  21 A.Yes.  22 Q.Okay.  23 Thank you.  24 A.I can't tell you if she was on that committee,  25 but it's what fits.</p>
<p style="text-align: right;">Page 228</p> <p>1 Q.Okay.  2 But you would accept it as it relates to Mr.  3 Maentz, Mr. Brody, and Ms. Byrnes.  4 Right?  5 A.Yes. I would question if the whole board doesn't  6 know, but I would accept that Mr. Rees is being  7 honest.  8 Q.Now, you --- well, I'm going to rip this off.  9 Let me just finish this one.  10 Do you happen to know whether the independent  11 investigators from Cozen O'Connor, Ms. Gomez and Ms.  12 Smith, requested a statement from you?  13 A.I don't remember. I don't --- if they did, I  14 don't remember. And if I wrote one, I don't remember.  15 I just ---.  16 Q.I'm sorry.  17 A.Yeah.  18 Q.I'm just trying to ---.  19 Well, obviously, we don't need to see them. So  20 as part of this litigation, you've produced through  21 your lawyer an exhibit that's been called P-8 that is  22 a compilation of a number of cards and letters that,  23 as I understand it, your former students have written  24 to you.  25 Do you know what I'm talking about?</p>	<p style="text-align: right;">Page 229</p> <p>1 A.Yes.  2 Q.I want to know if any of the students who  3 authored the cards or letters that you compiled and  4 that your --- and through your attorney have now  5 produced as P-8 are former students who are aware of  6 the accusations by Mr. Poulos?  7 A.I'd have to see the list.  8 Q.Okay.  9 A.I hope it's not all the list.  10 ATTORNEY JUBB:  11 To make sure you have enough time, I  12 will off the record, not in this deposition, get him  13 to answer an Interrogatory to all those saying who was  14 or who wasn't, just to save you some time --- this  15 exercise right now.  16 ATTORNEY DOUGHERTY:  17 Okay.  18 I mean, ---.  19 ATTORNEY JUBB:  20 Because I have a belief what it is, and  21 I think he does too, but the exercise itself might  22 just take too long. And I think you'd rather ask  23 other questions.  24 ATTORNEY DOUGHERTY:  25 That's fine.</p>

<p style="text-align: right;">Page 230</p> <p>1 ATTORNEY JUBB:</p> <p>2 But I can get you that information after</p> <p>3 this is over.</p> <p>4 ATTORNEY DOUGHERTY:</p> <p>5 We were okay with, I think, the</p> <p>6 stipulation but if there's anybody that the answer is</p> <p>7 yes, I want to have the answers to the questions that</p> <p>8 I've been asking, what their --- if they have an</p> <p>9 opinion ---</p> <p>10 ATTORNEY JUBB:</p> <p>11 Sure.</p> <p>12 ATTORNEY DOUGHERTY:</p> <p>13 --- whether it's changed.</p> <p>14 ATTORNEY JUBB:</p> <p>15 If you make us up an interrogatory ---</p> <p>16 ATTORNEY DOUGHERTY:</p> <p>17 That's what I'm doing within the</p> <p>18 deposition.</p> <p>19 ATTORNEY JUBB:</p> <p>20 --- that has the subparts to it, I'm</p> <p>21 happy to do it, to answer that question pertaining to</p> <p>22 P-8.</p> <p>23 ---</p> <p>24 (Whereupon, Defendant's Exhibit 28,</p> <p>25 9/4/15 Medical Office Note, was marked</p>	<p style="text-align: right;">Page 231</p> <p>1 for identification.)</p> <p>2 ---</p> <p>3 BY ATTORNEY DOUGHERTY:</p> <p>4 Q.I'm showing you documents that are marked as D-</p> <p>5 28. They say P-40.177 to P-40.184, and also March,</p> <p>6 underscore, 177, March, underscore, 184.</p> <p>7 Have you ever seen the documents that I have</p> <p>8 marked as part of D-28 before I handed them to you</p> <p>9 today?</p> <p>10 A.No.</p> <p>11 Q.Is Nathan E. March a doctor who has treated you?</p> <p>12 A.Yes.</p> <p>13 Q.Did Doctor March treat you for mood issues in</p> <p>14 2015?</p> <p>15 A.No, I don't think so.</p> <p>16 Q.I'll just direct your attention to the first page</p> <p>17 of D-28. Under reasons for visit, it says</p> <p>18 preventative exam, skin spots, mood issues. Do you</p> <p>19 have any idea what that refers to? I'll direct your</p> <p>20 attention to higher up on the page. It says September</p> <p>21 4, 2015, if that helps.</p> <p>22 I realize you didn't write that, but I didn't</p> <p>23 know --- I just want to know if you know what he's</p> <p>24 referring to?</p> <p>25 ATTORNEY JUBB:</p>
<p style="text-align: right;">Page 232</p> <p>1 Where's mood disorders?</p> <p>2 THE WITNESS:</p> <p>3 No, mood issues. It's at the top.</p> <p>4 ATTORNEY JUBB:</p> <p>5 Oh, oh, oh.</p> <p>6 BY ATTORNEY DOUGHERTY:</p> <p>7 Q.Okay.</p> <p>8 Why don't we go --- I'm just going to keep this</p> <p>9 moving along.</p> <p>10 A.Go ahead.</p> <p>11 Q.Why don't you just go to four pages in to 180 on</p> <p>12 the bottom? It says history of present illness. Do</p> <p>13 you see that? I'm showing it towards the top. This</p> <p>14 58-year-old man presents ---.</p> <p>15 ATTORNEY JUBB:</p> <p>16 Do you care if I help him?</p> <p>17 ATTORNEY DOUGHERTY:</p> <p>18 No. It's okay.</p> <p>19 BY ATTORNEY DOUGHERTY:</p> <p>20 Q.Are you there?</p> <p>21 A.Yes.</p> <p>22 Q.Now, go to number three.</p> <p>23 A.Okay.</p> <p>24 Q.Look down, it says mood issues. Struggling with</p> <p>25 the start of school, doesn't feel prepared, wife still</p>	<p style="text-align: right;">Page 233</p> <p>1 in Ohio, feeling lonely, lacking the satisfaction of</p> <p>2 starting a new year, looking for some meaning, not</p> <p>3 really engaging in the hobbies he used to, not</p> <p>4 sleeping well.</p> <p>5 A.Okay.</p> <p>6 Q.I realize that those are not your comments, but</p> <p>7 they're Doctor March's comments about preventative</p> <p>8 medicine during a visit on September 4th, 2015.</p> <p>9 Now that I read those notes to you, do you ---</p> <p>10 does that refresh your recollection about any</p> <p>11 treatment you received in September 2015 for mood</p> <p>12 issues?</p> <p>13 A.Certainly would have been a conversation we had.</p> <p>14 I don't think I ever considered it a mood issue.</p> <p>15 Do you want more?</p> <p>16 Q.Well, did you discuss more with Doctor March than</p> <p>17 what he wrote down there?</p> <p>18 A.I'm sure I probably did.</p> <p>19 Q.Did Mr. --- or excuse me. Did Doctor March refer</p> <p>20 you to another doctor for counseling or treatment or</p> <p>21 prescribe any medication or did you return to see</p> <p>22 Doctor March about the same issue?</p> <p>23 A.He did not refer any of those or make those</p> <p>24 recommendations. We talked about it. It was the</p> <p>25 school, the Leelanau School was a piece of that</p>

<p style="text-align: right;">Page 234</p> <p>1 puzzle. It was pretty significant at that time. And</p> <p>2 the feeling lonely because Marybeth was in Ohio and</p> <p>3 things were --- there were financial pressures on the</p> <p>4 school at that point. That all sounds like something</p> <p>5 I would have said to him.</p> <p>6 Q.I mean, I'm sorry.</p> <p>7 A.Go ahead.</p> <p>8 Q.What do you mean by the Leelanau School is a part</p> <p>9 of that?</p> <p>10 A.We were in financial forbearance. And the</p> <p>11 deadline was approaching I think in October. School</p> <p>12 starts in September. And at that point, we had not</p> <p>13 found an answer to refinance our debt that was more</p> <p>14 traditional.</p> <p>15 Q.So did you leave Leelanau School because of the</p> <p>16 financial issues that Leelanau School was</p> <p>17 experiencing?</p> <p>18 A.No. In fact, resolving those issues were one of</p> <p>19 the things that made it seem like a time --- an okay</p> <p>20 time for me to leave.</p> <p>21 Q.So your wife lived in Ohio for the entire time</p> <p>22 you were at the Leelanau School?</p> <p>23 A.No. She would --- at that point in '15, she'd</p> <p>24 been there two or three years for the most part, and</p> <p>25 would come to school for special occasions or if our</p>	<p style="text-align: right;">Page 235</p> <p>1 kids were up visiting. But she did not live on campus</p> <p>2 full time.</p> <p>3 Q.Is there some reason that you and your wife were</p> <p>4 not living together in 2015?</p> <p>5 A.We had not formally separated. We weren't living</p> <p>6 together, and I guess technically separated because</p> <p>7 she's a city girl. It's a rural school. She was</p> <p>8 isolated and unhappy, and I was pretty consumed with</p> <p>9 the situation at the school. And we decided that was</p> <p>10 the best answer at the time.</p> <p>11 Q.When did you separate?</p> <p>12 A.Probably 2013.</p> <p>13 Q.And did you reconcile?</p> <p>14 A.Yes.</p> <p>15 Q.When did you reconcile?</p> <p>16 A.After I left the school. So sometime after the</p> <p>17 start of 2016.</p> <p>18 Q.So after you were back at the Hill School or</p> <p>19 before you started again at the Hill School?</p> <p>20 A.I hadn't quite left Leelanau at that point, but</p> <p>21 pretty close.</p> <p>22 Q.Did you receive any treatment for your --- for</p> <p>23 mood issues in 2015?</p> <p>24 A.No.</p> <p>25 Q.How about any time when you were separated from</p>
<p style="text-align: right;">Page 236</p> <p>1 your wife, 2013 to 2016? You receive counseling or</p> <p>2 treatment?</p> <p>3 A.No.</p> <p>4 Q.Did any of your doctors refer you to receive</p> <p>5 mental health services, counseling, treatment that you</p> <p>6 did not accept during that period of time, 2013 to</p> <p>7 2016?</p> <p>8 A.I don't believe so, no. Doctor March referred a</p> <p>9 book to me.</p> <p>10 Q.What book was that?</p> <p>11 A.It's called First Things First. The author's</p> <p>12 name is Covey, I believe, C-O-V-E-Y.</p> <p>13 Q.What type of book was that?</p> <p>14 A.I don't know if you'd call it self-help or</p> <p>15 setting priorities. First Things First was about just</p> <p>16 to get clear what I need to accomplish and accomplish</p> <p>17 it.</p> <p>18 ---</p> <p>19 (Whereupon, Defendant's Exhibit 29,</p> <p>20 2/4/16 Medical Office Note, was marked</p> <p>21 for identification.)</p> <p>22 ---</p> <p>23 BY ATTORNEY DOUGHERTY:</p> <p>24 Q.This is D-29. I'm showing you documents that</p> <p>25 I've marked as D-29. On the bottom right, they say P-</p>	<p style="text-align: right;">Page 237</p> <p>1 40.165 to P-40.172, and also March, underscore, 165</p> <p>2 and March, underscore, 172.</p> <p>3 A.Okay.</p> <p>4 Q.Have you seen the documents that I've marked as</p> <p>5 D-29 before I handed them to you today?</p> <p>6 A.No.</p> <p>7 Q.Again, I'll just direct your attention on the</p> <p>8 first page. See where it says patient plan for</p> <p>9 February 4th, 2016. And in the middle of the page, it</p> <p>10 says reasons for visit, hypertension, comma, anxiety.</p> <p>11 Do you see that?</p> <p>12 A.I do.</p> <p>13 Q.Did you receive treatment from Doctor March in</p> <p>14 February 2016 for anxiety?</p> <p>15 A.I would have seen him. I don't believe I've ever</p> <p>16 used the word anxiety. I could have used the word</p> <p>17 anxious, but to me, they're different.</p> <p>18 Q.If you can go to page 168. It's four pages in</p> <p>19 again. It's similar. This 58-year-old male presents</p> <p>20 for hypertension and anxiety. And then underneath of</p> <p>21 history of present illness, do you see, there's</p> <p>22 hypertension and then number two, anxiety?</p> <p>23 Do you see that?</p> <p>24 A.Yes.</p> <p>25 Q.Okay.</p>

<p style="text-align: right;">Page 238</p> <p>1 And so Doctor March wrote this is an initial  2 visit. The patient reports functioning is somewhat  3 difficult. The patient presents with anxious, slash,  4 fearful thoughts and excessive worry, but denies  5 depressed mood, difficulty concentrating, difficulty  6 falling asleep, difficulty staying asleep, diminished  7 interest or pleasure, fatigue, loss of appetite,  8 paranoia, poor judgment, racing thoughts, or  9 restlessness.  10 Patient's risk factors include financial worries  11 and unemployment. The patient's risk factors include  12 chronic illness and relationship problems. The  13 anxiety is aggravated by conflict or stress. Anxiety  14 is associated with irritability. The patient denies  15 any headache.  16 Do you recall going to see Doctor Marsh or I'm  17 sorry, March ---  18 A.March.  19 Q.--- in February of 2016, for treatment for the  20 issues that I've just read to you from Doctor March's  21 notes?  22 A.I do.  23 Q.What were the circumstances that brought you to  24 Doctor March for treatment in February of 2016?  25 A.I don't recall why I went in to see him. It very</p>	<p style="text-align: right;">Page 239</p> <p>1 well could have been. I don't think I ever had ---  2 what was the phrase, a financial anxiety associated  3 with --- where's it talk about worry about money?  4 Q.Okay.  5 Well, let's start with patient reports  6 functioning is somewhat difficult.  7 Do you know what that is? What was difficult?  8 A.Sure.  9 At that point, I had submitted my resignation  10 letter. We had a new board of trustees, we being the  11 Leelanau School.  12 Q.Leelanau. Okay.  13 A.It was my --- it was my view that the new board  14 was overstepping its bounds. In March of that month  15 or of that year we were to go through an accreditation  16 screening or visit from educators from other  17 Midwestern schools, and I was concerned that the board  18 overstepping its bounds would impact that. And I had  19 submitted my resignation primarily with the  20 understanding, belief, that we would successfully  21 complete our accreditation. We had secured the  22 financing, and it seemed like a good, stable time for  23 me to be able to move on.  24 Q.Okay.  25 So functioning was somewhat difficult because of</p>
<p style="text-align: right;">Page 240</p> <p>1 the situation with the board at Leelanau?  2 A.Yes.  3 Q.And it says patient presents with anxious,  4 fearful thoughts and excessive worry. What were your  5 anxious, fearful thoughts and excessive worry about?  6 A.Being able to manage the situation at the school  7 without getting in the way.  8 Q.Okay.  9 And it says, okay, patient's risk factors include  10 financial worries and unemployment. And you dispute  11 that? Is that what you were talking about?  12 A.Yes, it is. Where is --- oh, patient's risk  13 factors include financial worries and unemployment.  14 That doesn't --- I probably told him I didn't have a  15 job lined up and I knew I'd resigned. But I'm not one  16 who's ever worried that a job would come through, so I  17 don't recall saying that.  18 Q.Okay.  19 Did you receive any treatment from Doctor March,  20 like, a referral to another doctor, counseling,  21 medication?  22 A.No. That was a time when we talked about things  23 to do and his response to me often is you know what  24 you need to do and suggested I do that.  25 Q.What? What is it that you know you need to do?</p>	<p style="text-align: right;">Page 241</p> <p>1 A.Exercise more, eat better, drink less, exercise  2 judgment on things I think should be priorities and  3 not to bother myself with the other stuff. He said  4 there are meds if you want some, and I told him I  5 didn't. And that's what I recall from then.  6 Q.You said to drink less. Are you talking about  7 alcohol?  8 A.Yes.  9 Q.Do you drink alcohol?  10 A.I do.  11 Q.Do you drink a lot of alcohol?  12 A.No.  13 Q.How much alcohol do you consume on a daily basis?  14 A.Less than a drink on a daily basis. Never more  15 than two.  16 Q.Do you drink an alcoholic beverage at least once  17 a day?  18 A.No.  19 Q.No? How much alcohol do you drink in a day?  20 A.I think I said I don't drink every day.  21 Q.You don't drink every day, okay.  22 A.I thought that's what you asked me.  23 Q.Are there particular days that you drink?  24 A.No. If I'm out to dinner or with some friends, I  25 will.</p>

<p style="text-align: right;">Page 242</p> <p>1 Q.What, if you know, was the context in which the</p> <p>2 doctor told you to drink less?</p> <p>3 A.I think the context was I told him I was drinking</p> <p>4 more, and I knew I was drinking more than I thought</p> <p>5 was healthy.</p> <p>6 Q.Oh, so in February 2016, you were drinking more</p> <p>7 alcohol than you thought was healthy?</p> <p>8 A.Yes.</p> <p>9 Q.How much were you drinking in February 2016 that</p> <p>10 you thought was unhealthy?</p> <p>11 A.I can't answer that except that I would have</p> <p>12 drinks alone. I was living alone at that time.</p> <p>13 Q.Did you drink alone every day?</p> <p>14 A.Did I?</p> <p>15 Q.Yeah.</p> <p>16 A.I doubt it was --- no, not every day. But I</p> <p>17 would drink alone more frequently than I would</p> <p>18 consider healthy.</p> <p>19 Q.What --- is there a particular type of alcoholic</p> <p>20 beverage that you were drinking?</p> <p>21 A.No.</p> <p>22 Q.Do you drink liquor, beer, ---</p> <p>23 A.Both.</p> <p>24 Q.--- wine?</p> <p>25 A.Not wine.</p>	<p style="text-align: right;">Page 243</p> <p>1 Q.So how much were you drinking in February 2016</p> <p>2 that you thought was unhealthy, or was it the drinking</p> <p>3 alone part?</p> <p>4 A.Both. Probably --- I probably had maybe three a</p> <p>5 day.</p> <p>6 Q.Three beers or three ---?</p> <p>7 A.It would be three glasses. Well, could be beers.</p> <p>8 It would be whatever drink I was having.</p> <p>9 Q.And your wife was in Ohio, so you were drinking</p> <p>10 alone every time you drank.</p> <p>11 Right?</p> <p>12 A.Correct.</p> <p>13 Q.Sometimes did you drink more than three?</p> <p>14 A.I'm sure.</p> <p>15 Q.What about --- I mean, we looked at the prior</p> <p>16 record from the doctor, D-28. That visit was</p> <p>17 September 2015?</p> <p>18 A.Yes.</p> <p>19 Q.Were you drinking more than you thought was</p> <p>20 healthy in September of 2015?</p> <p>21 A.Not --- more than to be physically fit that I was</p> <p>22 accustomed to, yes. Not that I don't think that</p> <p>23 worried me terribly. I try to be pretty honest when</p> <p>24 I'm speaking with a doctor, so, you know, if there's</p> <p>25 an amount down there, that would have been pretty</p>
<p style="text-align: right;">Page 244</p> <p>1 accurate.</p> <p>2 Q.Oh, I see. You're talking about on the bottom of</p> <p>3 the first page where the doctor says limit alcohol to</p> <p>4 two drinks a day?</p> <p>5 A.Bottom of where? I'm sorry.</p> <p>6 Q.On the first page of D-28. I thought you were</p> <p>7 looking at that. I'm sorry.</p> <p>8 So we are looking at D-28 again. Do you see next</p> <p>9 to plan orders on the bottom of the first page?</p> <p>10 A.Instructions, counseling.</p> <p>11 Q.Limit alcohol to two ---</p> <p>12 A.Yes.</p> <p>13 Q.--- drinks a day?</p> <p>14 A.I do see that.</p> <p>15 Q.Okay.</p> <p>16 So in September 2015, were you drinking more than</p> <p>17 two drinks a day?</p> <p>18 A.Yeah, I think I must have been that he wrote ---</p> <p>19 well, that or I was --- I don't think I was drinking</p> <p>20 more than two drinks every day. And I suspect I told</p> <p>21 him I was drinking more and, you know, some nights it</p> <p>22 would have been three or so.</p> <p>23 And I can't tell you what specific numbers are</p> <p>24 beyond that.</p> <p>25 Q.Was there some event that you noticed that caused</p>	<p style="text-align: right;">Page 245</p> <p>1 you to start drinking more than you thought was</p> <p>2 healthy, or did it just develop over time?</p> <p>3 A.I think it was the --- I thought things would</p> <p>4 improve at the point that I submitted my resignation.</p> <p>5 And by improve, I mean I would have been stepping out</p> <p>6 of what felt like a fire, which was keeping the school</p> <p>7 open and afloat and that I would be able to start</p> <p>8 settling down and focus on the last six months of</p> <p>9 being the headmaster. And when the board and I had</p> <p>10 our --- when I felt like they were overstepping their</p> <p>11 bounds and we were moving towards the accreditation</p> <p>12 visit, I know that I worried about us getting through</p> <p>13 that as a school and how to manage that. So that</p> <p>14 would have been the biggest cause.</p> <p>15 Q.Okay.</p> <p>16 So that's --- that's right around this visit,</p> <p>17 September 4th, 2015.</p> <p>18 Right? You're saying the last six months, or did</p> <p>19 it start sooner?</p> <p>20 A.September 4th. And I wasn't drinking nightly at</p> <p>21 the start of that school year. Anything I was feeling</p> <p>22 then was mostly tied to the fact that we were in</p> <p>23 forbearance which ended in, I believe, it was October.</p> <p>24 Maybe it was early November, which would have</p> <p>25 resulted, if we didn't resolve it, in potential</p>



<p style="text-align: right;">Page 246</p> <p>1 foreclosure proceedings.</p> <p>2 Q.Okay.</p> <p>3 You said, like, it got worse at the --- I thought</p> <p>4 you said six months to the end or something. So did I</p> <p>5 misunderstand? Can you just --- can you put some</p> <p>6 dates? So you say the forbearance was November 2015</p> <p>7 or October 2015?</p> <p>8 A.It was longer. That's when it ended.</p> <p>9 Q.Okay.</p> <p>10 A.It was '15.</p> <p>11 Q.Uh-huh (yes.)</p> <p>12 A.Are you asking when it started?</p> <p>13 Q.Yeah. I want to --- I'm trying to get a handle</p> <p>14 with an actual, I realize it's an estimate, date of</p> <p>15 what year you're talking about when you say that</p> <p>16 the ---</p> <p>17 A.When I arrived at the school ---.</p> <p>18 Q.--- drinking became ---</p> <p>19 A.Sorry.</p> <p>20 Q.--- your drinking, you know, rose to a point that</p> <p>21 you believed it was unhealthy?</p> <p>22 A.When it rose to that level?</p> <p>23 Q.Yeah. I asked you if there was some event that</p> <p>24 triggered it or if it was something that occurred</p> <p>25 gradually. And you talked a lot about the --- you</p>	<p style="text-align: right;">Page 247</p> <p>1 thought things were going to improve, that things</p> <p>2 should be settling down because you had stepped down</p> <p>3 as the headmaster, but there was an issue with the</p> <p>4 accreditation. And I thought that you were talking</p> <p>5 about a six-month period of time. So I'm just trying</p> <p>6 to learn, like, where --- what are you talking</p> <p>7 about ---</p> <p>8 A.Okay.</p> <p>9 So let's back up.</p> <p>10 Q.--- when your drinking got worse or got to a</p> <p>11 point that you believed was unhealthy?</p> <p>12 A.Forbearance was to be ended in October or</p> <p>13 November of 2015. Opening the school that's facing a</p> <p>14 foreclosure before Christmas is a pretty hard or</p> <p>15 pressure-filled task. That would be what was</p> <p>16 impacting me at the beginning of the school year.</p> <p>17 A couple weeks before that ended, we had secured</p> <p>18 a donation from a past parent that was enough of a</p> <p>19 payment and a --- to the bank or a bank that we were</p> <p>20 able to secure traditional financing for the debt.</p> <p>21 That takes us up into November.</p> <p>22 The board, part of --- the board was in pretty</p> <p>23 significant transition. That's also not necessarily</p> <p>24 easy. We got through it. I felt that being behind</p> <p>25 the school. And the accreditation being scheduled for</p>
<p style="text-align: right;">Page 248</p> <p>1 March of 2016, that I really had every belief that the</p> <p>2 school would get through and be fully accredited for</p> <p>3 another seven years. It's why it seemed like an</p> <p>4 appropriate time, stable enough time, for me to step</p> <p>5 away from the school and somebody else take the helm.</p> <p>6 At some point in there, I felt like the board was</p> <p>7 overstepping their bounds, and that would have ---</p> <p>8 that is what caused me concern going into the</p> <p>9 accreditation. And not being accredited, if you're a</p> <p>10 school, is a big deal.</p> <p>11 Q.Uh-huh (yes.)</p> <p>12 A.People don't want to spend \$60,000 for a place</p> <p>13 that's not accredited.</p> <p>14 Q.And so this --- these are the events that caused</p> <p>15 you to drink to a point that you believe to be</p> <p>16 unhealthy, the opening a ---</p> <p>17 A.Yes.</p> <p>18 Q.--- school that was facing, you know,</p> <p>19 foreclosure? The forbearance was an expiring</p> <p>20 forbearance. Then issues with the board and</p> <p>21 potentially not being accredited.</p> <p>22 Right?</p> <p>23 A.Yep. Yes. Sorry.</p> <p>24 ATTORNEY DOUGHERTY:</p> <p>25 All right.</p>	<p style="text-align: right;">Page 249</p> <p>1 I wanted to ask Mr. Ralston about his</p> <p>2 prior --- about his résumé and his prior experience,</p> <p>3 and I believe it will be quick questioning. I know he</p> <p>4 has to leave and I believe that Mr. Poulso wants to</p> <p>5 ask a couple of questions. So if it's okay with you,</p> <p>6 I'm willing to cede to Mr. Poulos to let him ask his</p> <p>7 questions and perhaps we can finish up with my past-</p> <p>8 employment related questions on a different day. And</p> <p>9 then I'll be able to narrow them down because I know I</p> <p>10 asked some of them before and I'm going to have to</p> <p>11 compare them --- compare my notes.</p> <p>12 ATTORNEY JUBB:</p> <p>13 Why don't we let Poulos go, but I'm not</p> <p>14 going to have him come back for another deposition.</p> <p>15 ATTORNEY DOUGHERTY:</p> <p>16 Well, I wasn't expecting him to come</p> <p>17 back. We could just finish up on the telephone or</p> <p>18 Zoom.</p> <p>19 ATTORNEY JUBB:</p> <p>20 Let's see what you have because it's a</p> <p>21 résumé so we've had that for quite some time. But</p> <p>22 let's see what Poulos has to say.</p> <p>23 ATTORNEY DOUGHERTY:</p> <p>24 Okay.</p> <p>25 Mr. Poulos?</p>

<p style="text-align: right;">Page 250</p> <p>1 MR. POULOS:</p> <p>2 I'm here.</p> <p>3 ATTORNEY DOUGHERTY:</p> <p>4 Okay.</p> <p>5 You can ask questions.</p> <p>6 THE WITNESS:</p> <p>7 I'm not going to be able to hear.</p> <p>8 MR. POULOS:</p> <p>9 I only have about 15 or 20 questions and</p> <p>10 they're basically all yes and no.</p> <p>11 ATTORNEY DOUGHERTY:</p> <p>12 Can you hear him okay? All right.</p> <p>13 One second. We're making it louder.</p> <p>14 MR. POULOS:</p> <p>15 Sorry. I'm using a headset.</p> <p>16 ---</p> <p>17 (WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)</p> <p>18 ---</p> <p>19 EXAMINATION</p> <p>20 ---</p> <p>21 BY MR. POULOS:</p> <p>22 Q.First question. You're listed as the owner of a</p> <p>23 residence located at 2000 --- or 20654 Lake Ann,</p> <p>24 Michigan.</p> <p>25 Is that where you reside currently?</p>	<p style="text-align: right;">Page 251</p> <p>1 A.My current residence is in Columbus, Ohio,</p> <p>2 Dublin, Ohio. And we do own that home, yes.</p> <p>3 Q.Okay.</p> <p>4 And why is or who is Amy L. Powell and why is she</p> <p>5 listed as a resident at these addresses?</p> <p>6 ATTORNEY JUBB:</p> <p>7 Objection to the form. You can answer.</p> <p>8 THE WITNESS:</p> <p>9 I don't know why she's listed as a</p> <p>10 resident of Nofsger Road in Lake Ann, but she was as</p> <p>11 previous owner of the home.</p> <p>12 BY MR. POULOS:</p> <p>13 Q.Okay.</p> <p>14 So current records aren't reflective of the</p> <p>15 current situation?</p> <p>16 ATTORNEY JUBB:</p> <p>17 Objection to the form. I think you just</p> <p>18 has to establish he even knows what records you're</p> <p>19 referring to. So I'm not even sure that's a question.</p> <p>20 So maybe just move on to the next one.</p> <p>21 BY MR. POULOS:</p> <p>22 Q.So current property records that I obtained show</p> <p>23 that she is listed at both residences. Why is that?</p> <p>24 ATTORNEY JUBB:</p> <p>25 I'll object to the form and as to your</p>
<p style="text-align: right;">Page 252</p> <p>1 representation. Go ahead.</p> <p>2 THE WITNESS:</p> <p>3 I have no idea what you're referring to.</p> <p>4 Amy Powell has never had a stake to the Dublin, Ohio</p> <p>5 address, and she was the previous owner of the Lake</p> <p>6 Ann property. And she does not reside there.</p> <p>7 BY MR. POULOS:</p> <p>8 Q.Are you and Mary Beth still married?</p> <p>9 A.We are.</p> <p>10 Q.How much money have you paid the Beasley Firm to</p> <p>11 represent you in this case?</p> <p>12 A.I've not paid anything.</p> <p>13 Q.Is there any other person or entity contributing</p> <p>14 money or resources to the prosecution of this</p> <p>15 litigation?</p> <p>16 A.No.</p> <p>17 ATTORNEY JUBB:</p> <p>18 Are you still there?</p> <p>19 MR. POULOS:</p> <p>20 Yeah, I'm still here. I asked a</p> <p>21 question. I'm waiting for a response.</p> <p>22 THE WITNESS:</p> <p>23 I said no.</p> <p>24 ATTORNEY JUBB:</p> <p>25 He answered the response. Next</p>	<p style="text-align: right;">Page 253</p> <p>1 question.</p> <p>2 BY MR. POULOS:</p> <p>3 Q.So where are the funds coming from to pay for</p> <p>4 your legal agreement with Lane Jubb?</p> <p>5 ATTORNEY JUBB:</p> <p>6 You don't have to answer that question.</p> <p>7 Next question. And I would direct your</p> <p>8 attention to our previous responses to</p> <p>9 Interrogatories.</p> <p>10 MR. POULOS:</p> <p>11 Lane, stop interrupting me. I've asked</p> <p>12 this on multiple occasions.</p> <p>13 ATTORNEY JUBB:</p> <p>14 You've gotten an answer. I am</p> <p>15 interrupting you because time is valuable to everybody</p> <p>16 else here. Okay.</p> <p>17 We are not going to go over questions</p> <p>18 that don't matter and you already have an answer to.</p> <p>19 COURT REPORTER:</p> <p>20 Excuse me. This is the court reporter.</p> <p>21 I can only take down one person.</p> <p>22 MR. POULOS:</p> <p>23 No, you have never answered that</p> <p>24 question.</p> <p>25 ATTORNEY DOUGHERTY:</p>




<p style="text-align: right;">Page 254</p> <p>1 Mr. Poulos, hold on. The court reporter 2 can't take down ---. 3 MR. POULOS: 4 Who is paying his attorney fees? 5 ATTORNEY JUBB: 6 Mr. Poulos, this question was already 7 answered and I can forward you the Interrogatories to 8 this already. Move on. 9 MR. POULOS: 10 You've never answered that question. 11 ATTORNEY JUBB: 12 Your deposition questioning is about to 13 end. 14 ATTORNEY DOUGHERTY: 15 Mr. Poulos, hold on a second. 16 MR. POULOS: 17 And now you're interrupting me again. 18 ATTORNEY DOUGHERTY: 19 That was me, Mr. Poulos, Candy. 20 Mr. Ralston, have you paid any amount of 21 money to the Beasley Firm? 22 THE WITNESS: 23 No. 24 ATTORNEY DOUGHERTY: 25 Mr. Poulos, does that satisfy your</p>	<p style="text-align: right;">Page 255</p> <p>1 question? Did you hear his answer? 2 MR. POULOS: 3 I would agree, but I still want to see 4 the attorney/client fee agreement. 5 ATTORNEY JUBB: 6 Then you should make a request for 7 production under the rules, and I've already responded 8 to that. Move on. 9 MR. POULOS: 10 I have and you've denied it. 11 ATTORNEY DOUGHERTY: 12 Mr. Poulos ---. 13 ATTORNEY JUBB: 14 Ms. Dougherty's time is also valuable 15 and I'm going to refer back to her if you do not have 16 another discoverable question. 17 MR. POULOS: 18 Oh, no. I have more questions. Don't 19 worry about it. 20 ATTORNEY JUBB: 21 Then I suggest you move along. 22 BY MR. POULOS: 23 Q.Parents weekend ---. 24 MR. POULOS: 25 And you've just interrupted me again.</p>
<p style="text-align: right;">Page 256</p> <p>1 BY MR. POULOS: 2 Q.Parents weekend, my sixth form year, you took it 3 upon yourself to park your Subaru behind my Camaro. 4 Were you in a position of disciplinary action to do 5 such a thing? 6 A.I was in a position of maintaining discipline and 7 school rules within our dormitory. 8 Q.Were you aware that I had permission to use my 9 vehicle to take care of my mother while she was 10 visiting for parents weekend? 11 ATTORNEY JUBB: 12 I'll object to the lack of foundation in 13 the question. You can answer if you can. 14 THE WITNESS: 15 What I know is if it was parents weekend 16 and you had permission to have a car on campus, I 17 would have known from the school, from the dean's 18 office because any permissions that were outside 19 school rules during parents weekend were clearly 20 established in the dean's office and shared with 21 appropriate dorm parents. 22 BY MR. POULOS: 23 Q.Follow-up question then. Were you my dorm parent 24 or my hall master or was it Mr. Romero who did have a 25 copy of my permission slip?</p>	<p style="text-align: right;">Page 257</p> <p>1 A.I don't know which hall you lived on in Rolfe 2 dormitory. I was a house parent, dorm parent in 3 Rolfe. And every faculty member would have had that 4 list, not just one person. 5 Q.Correct me if I'm wrong. You weren't a dorm 6 parent my sixth form year. You lived in the 7 subbasement apartment below the dormitory? 8 A.I will correct you because you're wrong. We 9 lived in the apartment adjacent to the Romeros. We 10 did not live in a subbasement apartment. 11 Q.Fair enough. 12 Why did you leave your headmaster position? 13 ATTORNEY JUBB: 14 Asked and answered. Can you --- can we 15 just direct you to his last testimony from Ms. 16 Dougherty that we've gone over in his prior deposition 17 and this one please? We'll copy and paste his 18 testimony into an Interrogatory for you. Next 19 question. 20 MR. POULOS: 21 I would appreciate that. 22 BY MR. POULOS: 23 Q.I have a few more last questions. Are you aware 24 that the Hill School asked for students to come 25 forward to counsel about past abuse and offered</p>

<p style="text-align: right;">Page 258</p> <p>1 confidentiality?</p> <p>2 ATTORNEY JUBB:</p> <p>3 Objection to the form. You can answer.</p> <p>4 THE WITNESS:</p> <p>5 Yes.</p> <p>6 BY MR. POULOS:</p> <p>7 Q.Unbelievable. Did you know that the two women</p> <p>8 classified as counselors were actually attorneys in</p> <p>9 those letters?</p> <p>10 ATTORNEY JUBB:</p> <p>11 Objection to the form. You can answer.</p> <p>12 THE WITNESS:</p> <p>13 Yes.</p> <p>14 BY MR. POULOS:</p> <p>15 Q.Do you not find that deceiving by the Hill</p> <p>16 School?</p> <p>17 ATTORNEY JUBB:</p> <p>18 Objection to the form. You can answer.</p> <p>19 THE WITNESS:</p> <p>20 My understanding is that third party</p> <p>21 investigations are typically run or handled by</p> <p>22 attorneys.</p> <p>23 BY MR. POULOS:</p> <p>24 Q.Again, were they represented as counsel or</p> <p>25 counselors to help previous students get the help they</p>	<p style="text-align: right;">Page 259</p> <p>1 needed to get through these types of situations?</p> <p>2 ATTORNEY JUBB:</p> <p>3 Objection to the form.</p> <p>4 THE WITNESS:</p> <p>5 I have no idea how they were represented</p> <p>6 to alumni.</p> <p>7 ATTORNEY DOUGHERTY:</p> <p>8 Mr. Poulos, would you like Mr. Ralston</p> <p>9 to look at the letter?</p> <p>10 BY MR. POULOS:</p> <p>11 Q.Have you seen the copies of the letter that came</p> <p>12 out from the school?</p> <p>13 A.I'm sorry. You have to repeat that.</p> <p>14 Q.Have you seen the original copies dated from 2016</p> <p>15 and 2017 that came out to previous alumni?</p> <p>16 A.Yes.</p> <p>17 Q.Do you remember what it said?</p> <p>18 ATTORNEY JUBB:</p> <p>19 Ms. Dougherty is going to show him a</p> <p>20 copy of D-1, which, I believe, is the November 2017</p> <p>21 email. So why don't you --- is there something</p> <p>22 specific you want to ask as opposed to do you remember</p> <p>23 what it said because it's in front of him right now?</p> <p>24 ATTORNEY DOUGHERTY:</p> <p>25 It's the November 20, 2017 email from</p>
<p style="text-align: right;">Page 260</p> <p>1 Mr. Lehman. It's part of D-1. Do you want to tell</p> <p>2 him to look at a specific place?</p> <p>3 MR. POULOS:</p> <p>4 I believe it's the second paragraph</p> <p>5 midway through when they state themselves as</p> <p>6 counselors, not as counsel.</p> <p>7 ATTORNEY JUBB:</p> <p>8 Mr. Poulos, may I please direct the</p> <p>9 witness to where I think you might be referring?</p> <p>10 THE WITNESS:</p> <p>11 It doesn't say counselors.</p> <p>12 ATTORNEY JUBB:</p> <p>13 Just answer his question then.</p> <p>14 THE WITNESS:</p> <p>15 Ask your question again.</p> <p>16 BY MR. POULOS:</p> <p>17 Q.How would you take that as an alumnus who was</p> <p>18 abused that I was going to get the counsel ---?</p> <p>19 ATTORNEY JUBB:</p> <p>20 Objection to the form. You don't have</p> <p>21 to answer that question.</p> <p>22 Next question.</p> <p>23 BY MR. POULOS:</p> <p>24 Q.Then let me re-ask my initial question. Final</p> <p>25 question then. Were any of the letters that you</p>	<p style="text-align: right;">Page 261</p> <p>1 received from the Hill School or any of the board of</p> <p>2 trustee members ever signed by me?</p> <p>3 ATTORNEY JUBB:</p> <p>4 Are you referring to the letters that</p> <p>5 were attached to our Complaint, Mr. Poulos?</p> <p>6 BY MR. POULOS:</p> <p>7 Q.Yeah. Did you ever see a single letter that was</p> <p>8 written to the Hill School that was signed by me?</p> <p>9 A.No.</p> <p>10 Q.So then why are you suing me?</p> <p>11 ATTORNEY JUBB:</p> <p>12 Objection to the form. Go right ahead.</p> <p>13 THE WITNESS:</p> <p>14 Why am I suing you? Because the letters</p> <p>15 that did arrive to the school were written in</p> <p>16 reference to conversations you had. And the origin of</p> <p>17 any of those lies had to begin with you.</p> <p>18 BY MR. POULOS:</p> <p>19 Q.Those letters were written by an attorney, which</p> <p>20 is protected.</p> <p>21 ATTORNEY JUBB:</p> <p>22 Do you have a question?</p> <p>23 BY MR. POULOS:</p> <p>24 Q.Just like it says in --- from the school,</p> <p>25 confidentiality. Wouldn't you agree?</p>

<p style="text-align: right;">Page 262</p> <p>1 ATTORNEY JUBB:</p> <p>2 I'll object to the form. Do you know</p> <p>3 how to answer that?</p> <p>4 THE WITNESS:</p> <p>5 I can answer did I agree that a</p> <p>6 confidential third party, however that's all worded in</p> <p>7 the letter from Mr. Lehman, suggests that the</p> <p>8 opportunity existed to do that, and you didn't take</p> <p>9 it.</p> <p>10 And, in fact, after nine months, had a</p> <p>11 second letter sent that doubled down on the</p> <p>12 accusations.</p> <p>13 BY MR. POULOS:</p> <p>14 Q.But you will agree that I never signed any letter</p> <p>15 that was sent to the Hill School? They were sent on</p> <p>16 my behalf by an attorney?</p> <p>17 ATTORNEY JUBB:</p> <p>18 Objection to the form. Asked and</p> <p>19 answered. Go ahead.</p> <p>20 BY MR. POULOS:</p> <p>21 Q.Otherwise, they would have had to have been</p> <p>22 documented.</p> <p>23 A.I understand that the two letters that arrived at</p> <p>24 the school do not have your signature on them, yes.</p> <p>25 Q.So, again, why are you suing me ---</p>	<p style="text-align: right;">Page 263</p> <p>1 ATTORNEY JUBB:</p> <p>2 Objection to the form.</p> <p>3 BY MR. POULOS:</p> <p>4 Q.--- if I didn't send the letter?</p> <p>5 ATTORNEY JUBB:</p> <p>6 Objection to form. Asked and answered.</p> <p>7 Next question.</p> <p>8 ATTORNEY DOUGHERTY:</p> <p>9 Objection.</p> <p>10 MR. POULOS:</p> <p>11 No, I'm done.</p> <p>12 ATTORNEY JUBB:</p> <p>13 Okay.</p> <p>14 MR. POULOS:</p> <p>15 He has no answers.</p> <p>16 ATTORNEY JUBB:</p> <p>17 Got it.</p> <p>18 Ms. Dougherty, it's 4:08. Is there any</p> <p>19 chance you can get through the résumé by 4:15?</p> <p>20 ATTORNEY DOUGHERTY:</p> <p>21 I'll try.</p> <p>22 ---</p> <p>23 RE-EXAMINATION</p> <p>24 ---</p> <p>25 BY ATTORNEY DOUGHERTY:</p>
<p style="text-align: right;">Page 264</p> <p>1 Q.I have just a question. Do you know James</p> <p>2 Broban?</p> <p>3 A.James Broban, I do.</p> <p>4 Q.How do you know James Broban?</p> <p>5 A.He's a former student.</p> <p>6 Q.From, like, the '90s?</p> <p>7 A.Graduated in '96.</p> <p>8 Q.Have you had any contact with Mr. Broban since he</p> <p>9 graduated?</p> <p>10 A.Yes.</p> <p>11 Q.When was the last time you had contact with Mr.</p> <p>12 Broban?</p> <p>13 A.We --- I can't give you a date, but within the</p> <p>14 past year, we've had contact when he's been in</p> <p>15 Michigan for meetings, and we've tried to get together</p> <p>16 and it hasn't lined up. I think it was within the</p> <p>17 last year.</p> <p>18 Q.Do you know whether Mr. Broban is aware of the</p> <p>19 accusations by Mr. Poulos or the letters?</p> <p>20 A.I think he is.</p> <p>21 Q.Why do you think he is?</p> <p>22 A.I believe he had a conversation with Mr. Jubb.</p> <p>23 Q.Do you know whether --- do you know if Mr. Broban</p> <p>24 has an opinion of you?</p> <p>25 A.It's been very high.</p>	<p style="text-align: right;">Page 265</p> <p>1 Q.And has Mr. Broban's opinion, high opinion, of</p> <p>2 you changed since speaking to Mr. Jubb?</p> <p>3 A.I don't believe so.</p> <p>4 Q.Has Mr. Broban done or said anything to lead you</p> <p>5 to believe his opinion of you has changed in any way</p> <p>6 from being very high?</p> <p>7 A.No.</p> <p>8 ATTORNEY DOUGHERTY:</p> <p>9 Mr. Jubb, I can tell you what I was</p> <p>10 going to ask Mr. Ralston was to identify his</p> <p>11 supervisor and salary and I think some of them we</p> <p>12 needed address information. I can do that in an</p> <p>13 Interrogatory.</p> <p>14 ATTORNEY JUBB:</p> <p>15 That's fine.</p> <p>16 ATTORNEY DOUGHERTY:</p> <p>17 And if I could, I'll just --- I'll mark</p> <p>18 them.</p> <p>19 ATTORNEY JUBB:</p> <p>20 And, I mean, just generally, obviously,</p> <p>21 reserving any sort of rights to the way it's worded.</p> <p>22 But I don't generally have an issue with that.</p> <p>23 ATTORNEY DOUGHERTY:</p> <p>24 I understand. That's what I'm trying to</p> <p>25 do.</p>

<p style="text-align: right;">Page 266</p> <p>1 ATTORNEY JUBB:  2 Yeah.  3 ATTORNEY DOUGHERTY:  4 And what number are we up to?  5 COURT REPORTER:  6 Thirty (30).  7 ATTORNEY DOUGHERTY:  8 Okay.  9 ---  10 (Whereupon, Defendant's Exhibit 30,  11 Résumé 1, was marked for  12 identification.)  13 ---  14 BY ATTORNEY DOUGHERTY:  15 Q.I'm just going to show you a document that is  16 marked as D-30. It says HILLDOE0237 to 238 on the  17 bottom. It's number eight. Can we pull it up?  18 A.I'm sorry. Which am I looking at?  19 Q.I've handed you a document that's been marked as  20 D-30. It looks like it's a --- well, do you know this  21 document and did you prepare it?  22 A.Yes.  23 Q.How do you know this document?  24 A.It's my résumé.  25 Q.And when --- when is this --- when did you</p>	<p style="text-align: right;">Page 267</p> <p>1 prepare this résumé?  2 A.This would have been a résumé I used when I was  3 applying to the Hill School, 1992.  4 Q.Can you just look through ---?  5 A.Let me back up. We lived there from December of  6 1990 through probably July of 1992, at that address.  7 Q.And is there anything inaccurate about the résumé  8 that's been marked as D-30?  9 A.I don't think so. I can't imagine I would have  10 done that. I haven't read it all recently, but ---.  11 ATTORNEY DOUGHERTY:  12 This one is going to be D-31.  13 ---  14 (Whereupon, Defendant's Exhibit 31,  15 Résumé 2, was marked for  16 identification.)  17 ---  18 BY ATTORNEY DOUGHERTY:  19 Q.I'm going to replace the D-30 with one I didn't  20 write on.  21 A.Okay.  22 Q.I've got an extra copy.  23 Okay. I'm showing you a document that I've  24 marked as D-31. It says P7.1 to P7.3 on the bottom.  25 Do you recognize that document I've marked as D-</p>
<p style="text-align: right;">Page 268</p> <p>1 31?  2 A.Yes.  3 Q.How do you recognize the document that I've  4 marked as D-31?  5 A.It's my résumé from when I was leaving the  6 Leelanau School.  7 Q.Is there anything about the résumé that's been  8 marked as D-31 that is not accurate?  9 A.Again, I don't think so. No.  10 Q.Did you prepare a résumé after --- so I'm sorry.  11 So D-31 is the one you prepared when you were applying  12 to the Hill School when you were leaving the Leelanau  13 School?  14 A.Yes.  15 Q.Did you prepare a new résumé since departing the  16 Hill School?  17 A.No.  18 Q.Well, let me just --- can I just direct your  19 attention to the first page. Are you sure, because it  20 says under experience 9/2/2009 to 2016 to 2019, Hill  21 School on the top?  22 A.I see that, yes. So then I did.  23 Q.So is the résumé that's been marked as D-31  24 something that has been prepared since you've departed  25 or since your departure from the Hill School?</p>	<p style="text-align: right;">Page 269</p> <p>1 A.It must be. It would have to be. I didn't  2 prepare one before I was put on leave there. Had no  3 reason to.  4 Q.Have you --- do you have any more recent résumé  5 or prepared one recently?  6 A.I do not.  7 Q.I just wanted to identify this. Do you know this  8 document that I'm showing?  9 ATTORNEY DOUGHERTY:  10 Well, I'll mark it as D-32, a giant text  11 message.  12 ---  13 (Whereupon, Defendant's Exhibit 32,  14 Texts, was marked for identification.)  15 ---  16 THE WITNESS:  17 Right.  18 BY ATTORNEY DOUGHERTY:  19 Q.That's okay. We're just trying to get you out of  20 here. We'll put a sticker on it.  21 I want to know who sent you the text and why? I  22 mean, what's it about?  23 A.That would be from Wallace Gundy, who we  24 discussed earlier.  25 Q.Okay.</p>

<p style="text-align: right;">Page 270</p> <p>1 A.And that would be the note I referred to that she  2 had missed us at reunion and didn't know what was up.  3 Q.So Ms. Gundy calls you pops?  4 A.They did.  5 Q.What do you mean, they did?  6 A.There were students who viewed me as a father  7 figure and the nickname pops came in somewhere, I  8 don't know, early 2000s, 2003 or '04.  9 Q.Okay.  10 But Ms. Gundy referred to you as pops?  11 A.She did.  12 Q.I guess still does refer to you as pops?  13 A.She does, yes.  14 Q.Okay. All right.  15 A.Yeah. Again, she grew up with our children.  16 Lived across --- her parents lived across the street.  17 She was a prefect. It probably started when she was a  18 prefect.  19 ATTORNEY DOUGHERTY:  20 Okay.  21 Those are my questions for now. I'm  22 going to just make the point that we're going to send  23 some Interrogatories as identified, and we still do  24 not have a full, complete production by the Hill  25 School. So I don't know where that will leave us.</p>	<p style="text-align: right;">Page 271</p> <p>1 As I understand it, Mr. Ralston needs to  2 leave, so ---.  3 VIDEOGRAPHER:  4 Going off the record. That concludes  5 this deposition today. Time is 4:16 p.m. Off the  6 record.  7 * * * * *  8 VIDEOTAPED DEPOSITION CONCLUDED AT 4:16 P.M.  9 * * * * *</p>
<p style="text-align: right;">Page 272</p> <p>1 COMMONWEALTH OF PENNSYLVANIA )  2 COUNTY OF PHILADELPHIA )  3 CERTIFICATE  4 I, Jennifer Corb, a Notary Public in and for  5 the Commonwealth of Pennsylvania, do hereby certify:  6 That the witness, Matthew B. Ralston, whose  7 testimony appears in the foregoing deposition, was  8 duly sworn by me on September 20, 2021 and that the  9 transcribed deposition of said witness is a true  10 record of the testimony given by said witness;  11 That the proceeding is herein recorded fully  12 and accurately;  13 That I am neither attorney nor counsel for,  14 nor related to any of the parties to the action in  15 which these depositions were taken, and further that  16 I am not a relative of any attorney or counsel  17 employed by the parties hereto, or financially  18 interested in this action.This notarial act involved  19 the use of communication technology.  20 Dated the 22 day of October, 2021  21  22  23   24 Jennifer Corb,  25 Court Reporter</p>	

**EXHIBIT****Poulos 1**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>JOHN DOE</b>	:	
	:	
<b>Plaintiff</b>	:	
	:	
<b>v.</b>	:	<b>NO: 2:19-cv-01539-JD</b>
	:	
<b>MITCHELL GARABEDIAN, ESQ., et al.</b>	:	
	:	
<b>Defendants.</b>	:	
	:	

**ORDER**

AND NOW, this 18th day of March, 2021, upon consideration of the Motion by Plaintiff to Compel Miscellaneous Discovery of Defendant Poulos and any Response thereto, it is hereby ORDERED and DECREED that Plaintiff's Motion is GRANTED.

(1) IT IS FURTHER ORDERED that Defendant Poulos shall "identify, by first and last name, any and all persons who were in his Geometry class for the 1994-1995 school year," by December 21, 2020, as previously ordered by this court. Failure to comply shall result in sanctions.

(2)" IT IS FURTHER ORDERED that Defendant Poulos shall provide verified" responses with the production of documents responsive to Plaintiff's 28 August 2020 Discovery Requests.

(3)" IT IS FURTHER ORDERED that Defendant Poulos shall appear for a continuation" of his deposition to answer questions from Plaintiff's Counsel, limited to the area of his discussions and communications with Defendant Garabedian.

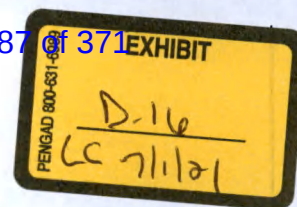
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/s/ **Hon. Jan E. DuBois**

\_\_\_\_\_  
The Honorable Jan E. DuBois

" " " " " " "





IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOHN DOE :  
Plaintiff :  
v. : NO: 2:19-cv-01539-JD  
MITCHELL GARABEDIAN, ESQ., et :  
al. :  
Defendants. :

**PLAINTIFF'S RESPONSES TO THE FIRST SET OF  
INTERROGATORIES OF DEFENDANTS, MITCHELL GARABEDIAN,  
ESQUIRE AND MITCHELL GARABEDIAN, ESQUIRE D/B/A LAW  
OFFICES OF MITCHELL GARABEDIAN, DIRECTED TO PLAINTIFF**

1. Describe in detail and with particularity all damages you claim in this lawsuit, including any damage you contend that you suffered as a result of the conduct described in the second amended complaint. For each item of damage you claim, state the following:

- a. The amount of damages you claim;
- b. The factual basis supporting your claim to each item of damage; and
- c. The manner in which you calculated each item of damages.

**Response: Plaintiff objects to this request as being overly broad, vague, and prematurely seeking expert opinion.**

**Without waiver, every student, colleague, parent and school relationship that Plaintiff has encountered since he began teaching in 1980 has been damaged. Students learn best when they are in a school setting which offers them the opportunity to develop healthy relationships with other students and the adults of that school community. School communities that offer such environments are built on trust, care, vulnerability and honesty. Being accused of betraying and preying on the**



trust and vulnerability of a student jeopardizes every relationship Plaintiff has ever had with a student. Every student Plaintiff taught, parent who placed their child in his care, and colleagues with whom Plaintiff has worked would believe that there was evil working with and among them and have their experience at that school tainted with that evil because of Defendant's false and defamatory statements. Plaintiff has successfully built thousands of healthy relationships in schools since 1980. Plaintiff was hired as a capital giving officer at The School in 2016 because of the breadth and depth of his knowledge of and experience with the School and because of his lasting relationships with alumni. Plaintiff was excited to return in this capacity for the same reasons. His work as a capital giving officer was damaged directly because charitable giving is also based on donor relationships with both the institution and the fund raiser. Plaintiff's confidence and hence, his work in representing the School was irreparably harmed the day he learned of these false allegations. Plaintiff knew that when word of the false allegations spread to donors that he would be cut off by donors and he feared that the School would be too. It was a dark, ugly cloud that was present in every donor meeting Plaintiff secured and the worry only increased after he secured a gift.

The way in which Mary Ellen Poulos describes Plaintiff in her communication with Zack Lehman is but one example that his name and these relationships are jeopardized and ruined by such false accusations.

Plaintiff calculated these damages the same way he taught, headed a school and worked as a capital giving officer - on an individual basis. Plaintiff's success as a teacher was based on getting to know his students as individuals and helping them to develop their strengths, acknowledge their weaknesses and working toward their potential.



Plaintiff has suffered significant emotional distress and mental anguish knowing that certain members of the board of trustees, including the legal committee, comprised of alumni and parents, were all made aware of these allegations. Worse yet, is the fear of who has subsequently learned of these heinous allegations and has either kept such information to themselves or shared them with others, out of Plaintiff's sight where he cannot correct them.

Plaintiff has sought medical care for this emotional distress, which has caused nightmares, heart palpitations, and nausea.

2. Identify each and every statement you allege Garabedian made that you allege defamed you.

**Response:** Plaintiff contends that the Defendants' statement, contained in the April 11, 2018 letter, that Defendant Poulos "was repeatedly sexually molested by [Plaintiff Doe]" is false and defamatory. Any statement or implication that Plaintiff Doe caused harm to Defendant Poulos is false and defamatory. Any inference, innuendo, or implication that Plaintiff Doe had any contact with Defendant Poulos that was inappropriate or sexual in nature, at any time, is also completely false and defamatory *per se*. Each and every statement published by the Defendants pertaining to or describing inappropriate or sexual conduct by Plaintiff Doe, in either the April 11 or December 26, 2018 publications and both letters are replete with specific such statements is false and defamatory *per se*. There could be no greater charge levied against an educator who has dedicated his life to his school and his students' well-being. Additionally, Garabedian's statements to Mary Ellen Poulos republishing the false and



**defamatory accusations are also at issue. Mary Ellen Poulos then contacted the School repeating as much.**

3. Identify and provide contact information for each and every of your prior employers.

**Response: Plaintiff objects to this request as being overly broad, unduly burdensome, and not reasonably calculated to lead to admissible evidence. Without waiver, Plaintiff's prior employers are identified on his CV previously produced.**

4. Identify and provide contact information for each and every person who complained about you.

**Response: Plaintiff objects to this request as overly broad, unduly burdensome, vague, and confusing. Without waiver, none.**

5. Is it your contention that the defamatory statements alleged in the second amended complaint were inaccurate or false?

If so, state:

- a. The specific false or inaccurate statement(s);
- b. What was specifically false or inaccurate in the statement(s);
- c. The date(s) the false and inaccurate statement(s) was/were made;
- d. The identity of the person(s) to whom the false and inaccurate statement was made; and
- e. The identify or the person(s) who made the false and inaccurate statement(s).

**Response: Plaintiff objects to this request as overly broad, unduly burdensome, and vague. Plaintiff further objects to this request as it is**



**Defendant's burden to prove truth in this matter. Plaintiff has no burden to prove falsity. Without waiver, the defamatory statements at issue are false.**

6. Is it your contention that the defamatory statements alleged in the second amended complaint caused an interruption, cancellation, or loss of your business relationships, income, or contracts?

If so, state:

- a. The specific person(s), business(es), or contract(s) that were interrupted, cancelled, or lost as a result of the alleged defamatory statements;
- b. What were the specific reasons given by the person(s) or business(es) for interrupting, decreasing, or canceling any business relationships or contracts;
- c. How were these related to the alleged defamatory statements; and
- d. The date(s) and amounts of the disrupted, cancelled, or lost business relationships income or contracts.

**Response: Plaintiff objects to this request as overly broad, unduly burdensome, and vague. Without waiver, being falsely accused of the most heinous act a teacher can commit against a student impacts every relationship that teacher has.**

**Plaintiff's ability to confidently approach alumni regarding supporting the School was interrupted due to his concern that they may have heard these allegations. Plaintiff was responsible for alumni in the Midwest and defendant is Step-Grandchild of a prominent Midwest family and the cousin of another alumnus. Mary Ellen Poulos, through Kurtis Poulos, had already shared with at least one other person.**

**Plaintiff's relationship with The School, where he would have earned a living well into his 70s, is decimated as a result of Defendant's conduct. For**



example, Plaintiff was told to seek legal counsel, not to be alone with students when on campus, had to ask permission to be on campus and that the School's insurance company would not pay for his legal fees because of the nature of Defendants false allegations.

The independent school community is a small community and Plaintiff has no way of knowing who had heard rumors of Defendant's false allegations. Prior to these false statements, Plaintiff looked forward and welcomed phone correspondence from alumni that was out-of-the-blue. Now, Plaintiff cannot be the mentor, advisor, friend, or colleague that so many knew him to be because of the fallout from Defendant's false and defamatory statements.

Additionally, Plaintiff was forced to tell his two sons, both School alumni, of the false and defamatory accusations. Plaintiff's fear and anxiety caused by the defamatory statements has been detrimental to Plaintiff's state of mind as father. For example, when his son was to be married, Plaintiff spent the entire wedding wondering who, if anyone, had heard of Defendant's allegations at this wedding which was compromised of many School colleagues and former students.

**Plaintiff reserves the right to supplement this response.**

7. Is it your contention that the alleged the defamatory statements harmed or lowered your reputation in your community?

If so, state: the specific person(s), business(es), or entity(ies) that plaintiff relies on to prove her reputation was harmed or lowered in the community as a result of the alleged defamatory statements.

**Response: Plaintiff objects to this request as overly broad, unduly burdensome, and vague. Without waiver, Yes. See prior responses.**



8. State your contention, the factual basis for your contention and the sources of proof for the facts which support your contention that the alleged defamatory statements harmed or lowered the reputation of plaintiff's in his community.

**Response: Plaintiff objects to this request as overly broad, unduly burdensome, and vague. Without waiver, Yes. See prior responses. Plaintiff is no longer affiliated with the School. During alumni reunions, he was not able to attend despite the request and questioning by former students. The Board of Trustees received the Defendant's defamatory letter, which is comprised of parents, alumni, and former students. Many Board members are former students of Plaintiff, some of which had even written him thoughtful thank you notes and emails (already produced) upon graduation, before Defendants sent their letters.**

**Plaintiff reserves the right to supplement this response.**

9. Is it your contention that the alleged defamatory statements deterred persons, organizations, or entities from associating with you?

If so, state: the name and address of the specific person(s), entity(ies), or organization(s) that were deterred from associating with you as a result of the alleged defamatory statements.

**Response: Plaintiff objects to this request as overly broad and unduly burdensome. Without waiver, yes. See prior responses. Plaintiff is no longer affiliated with the School. The School's Board of Trustees are identified online on the School's website. Plaintiff already provided this information in his supplemental disclosures.**

10. State your contention, the factual basis for your contention and the sources of proof the facts which support your contention that person(s), entity(ies), or



organization(s) that were deterred from associating with plaintiff as a result of the alleged defamatory statements.

**Response: Plaintiff objects to this request as overly broad, unduly burdensome, and vague. Without waiver, see prior responses and Plaintiff's disclosures.**

11. Is it your contention that the alleged defamatory statements exposed plaintiff to public hatred, contempt, or ridicule?

If so, identify the specific person(s), business(es), or entity(ies) that you rely on to prove you were exposed to public hatred, contempt, or ridicule as a result of the alleged defamatory statements.

**Response: Plaintiff objects to this request as overly broad, unduly burdensome, and vague. Without waiver, Mr. Garabedian knows better than most people the significance of the abuse of a young person and therefore is acutely aware of the importance of being certain of allegations before spreading them. Such allegations immediately subject the accused to public judgment, hatred, contempt, and ridicule. Plaintiff has filed as John Doe for this very reason. Again, a clear example of this hatred, judgment and contempt is Mary Ellen Poulos's communication with my employer, Zack Lehman. The Board of Trustees received the letter per School protocol and as would be expected where a demand for money is involved. Some of these individuals knew me personally, others knew of my reputation within the community – all of whom would necessarily think less of me for being the subject of such accusations.**



12. State your contention, the factual basis for your contention and the sources of proof for the facts which support your contention that the alleged defamatory statements harmed or lowered the reputation of plaintiff in the community.

**Response: Plaintiff objects to this request as overly broad, unduly burdensome, and vague. Without waiver, this request seeks information that has been asked multiple times previously. See responses to prior requests and disclosures.**

13. State: the name and address of the specific person(s) that considered the alleged statement(s) as defamatory.

**Response: Plaintiff objects to this request as overly broad, unduly burdensome, and vague. Without waiver, this request seeks information that has been asked multiple times previously. See responses to prior requests and disclosures.**

14. Identify all the electronic stored information relating to the claims and defenses of which you are aware.

**Response: Plaintiff objects to this request as overly broad, unduly burdensome, and vague. Plaintiff further objects to this request as not being reasonably calculated to lead to the discovery of admissible evidence. Without waiver, see Plaintiff's Production Index and Disclosures.**

15. Was all electronically stored information and electronic documents relating to claims and defenses preserved?

**Response: Plaintiff objects to this request as overly broad, unduly burdensome, and vague. Without waiver, Plaintiff has not destroyed or altered any electronically stored information relevant to the issues here and**



**produced as much. See Plaintiff's Production Index. To date, Defendants have not produced any document that was not already produced by Plaintiff or a Third Party.**

/s/ Lane R. Jubb, Jr.

JAMES E. BEASLEY, JR., ESQUIRE

LANE R. JUBB, JR., ESQUIRE

LOUIS F. TUMOLO, ESQUIRE

Attorneys for Plaintiffs

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[lane.jubb@beasleyfirm.com](mailto:lane.jubb@beasleyfirm.com)

November 16, 2020



**CERTIFICATE OF SERVICE**

I, Lane R. Jubb, Jr., Esquire, hereby certify that a true and correct copy of the foregoing was served via Electronic Mail upon the following on November 16, 2020:

Jeffrey B. McCarron, Esquire  
Candidus K. Dougherty, Esquire  
Swartz Campbell LLC  
One Liberty Place, 38<sup>th</sup> Floor  
1650 Market Street  
Philadelphia, PA 19103  
*Attorneys for Defendants, Mitchell Garabedian, Esq. and  
Law Offices of Mitchell Garabedian*

Kurtis N. Poulos  
3239 W. Colony Drive  
Milwaukee, WI 53221

/s/ Lane R. Jubb, Jr.  
JAMES E. BEASLEY, JR., ESQUIRE  
LANE R. JUBB, JR., ESQUIRE  
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Telephone: (215) 592-1000  
Fax: (215) 592-8360  
[lane.jubb@beasleyfirm.com](mailto:lane.jubb@beasleyfirm.com)

From: Matt Ralston <mralston@thehill.org>  
Sent: Tuesday, June 26, 2018 9:58 AM  
To: Thomas Rees  
Subject: checking in

Tom,

I have received the letter from the insurance company. It is my understanding that it does not imply change in this matter – am I correct? I have a couple questions.

1. Have you heard anything further regarding the allegations?
2. Assuming you haven't, can this just hang out there with no communications, movement or closure indefinitely?
3. Is there anything you (or anyone else) can do to force movement and closure?

Thanks –

Matt

**Matt Ralston P '05, '07**  
**Capital Giving Officer**  
Mobile: 610-805-6529  
[mralston@thehill.org](mailto:mralston@thehill.org)

**THE HILL SCHOOL**  
THE FAMILY BOARDING SCHOOL™  
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[www.alumni.thehill.org](http://www.alumni.thehill.org) | [www.thehill.org](http://www.thehill.org)

**From:** Thomas Rees  
**Sent:** Wednesday, January 02, 2019 3:42 PM  
**To:** 'Matt Ralston'  
**Subject:** Letter  
**Attachments:** 1EI5542-Garabedian Ltr.PDF

Matt: Here is the letter. Please let me know of any further comments. TDR



Thomas D. Rees, Esquire  
**HIGH SWARTZ LLP**  
40 East Airy Street  
Norristown, PA 19404  
(610) 275-0700  
(610) 275-0702 (direct)  
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From: Matt Ralston <mralston@thehill.org>  
Sent: Saturday, March 16, 2019 1:12 PM  
To: Thomas Rees  
Cc: David Dougherty  
Subject: Question

Tom,

I would like to speak with David regarding this difficult situation and I am writing to ask if I may. I believe that his perspective and advice could be very helpful.

Thanks -

Matt

Matt Ralston P '05, '07  
Capital Giving Officer  
Mobile: 610-805-6529  
[mralston@thehill.org](mailto:mralston@thehill.org)

THE HILL SCHOOL  
THE FAMILY BOARDING SCHOOL <sup>TM</sup>  
860 Beech Street|Pottstown, PA 19464  
[www.alumni.thehill.org](http://www.alumni.thehill.org)|[www.thehill.org](http://www.thehill.org)

From: Matt Ralston <mralston@thehill.org>  
Sent: Sunday, April 29, 2018 3:29 PM  
To: Thomas Rees  
Subject: FW: notes to School attorney for file

Tom, I misspelled Swartz when I sent this to you last week. It came back to me this morning. Thanks - Matt

Tom,

Thanks for your time on Wednesday; I appreciate your support, confidence and counsel.

We arrived at Hill in the fall of 1992 (our sons were 5 and 3). We live in Upper School (2E) during our first 2 years (92-93 & 93-94 school years). We moved to Rolfe during the summer of 1994 and lived there for 6 years. I became the Director of Studies at the start of the 1995-96 academic year and served in that role through the 2000-01 academic year.

Here is pretty much what I can recall regarding the student who has made allegations against me.

- I remember Kurt Poulos mostly because he is the (younger) cousin of another alumnus, Jason Zwerner, whom I had more interaction at Hill and since he graduated.
- What I do remember is that he was not particularly happy at Hill and was often confrontational regarding rules.
- I can recall only one specific incident that involved him and even in that, I do remember any direct contact. That incident involved his car and his repeated violation of School rules regarding its use and weekend privileges. Kurt lived in Rolfe during his sixth form year (1996-97). At that time, the School allowed boarding students to keep cars (they were parked in the CFTA lot and keys turned into the Deans' Office) which they could access on weekends if and only if they were "signed out" for the weekend. Being signed out meant that once a student left campus they were not to return until they were returning from their weekend. That is, a student could not come and go with their car throughout the weekend. Kurt would sign out for the weekend and take his car. On several occasions we would sign out for the weekend, leave in his car and, at some, point in the night return to campus, park his car at the dorm and return to his dorm room. I don't know how many times and I don't know what he offered as his reason for doing so. What I do remember is that on one weekend morning, I left the dorm and saw his car parked in the loading dock. My response was to pull our car out of the garage and park it behind his, preventing him from leaving and giving the Dean an opportunity to address the issue. I don't remember what came of the incident or any interaction between Kurt and me after that.

If you and Zack have spoken and it's appropriate for you to share some attorney's I might contact for personal counsel, I'd appreciate you sending those along at your convenience.

Thanks for your help and let me know what else I need to do.

Best –

Matt

**Matt Ralston P '05, '07**

**Capital Giving Officer**

Mobile: 610-805-6529

[mrалston@thehill.org](mailto:mrалston@thehill.org)

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## Exhibit "000"

ACADEMIC



REPORT

Student: Poulos, Kurt

Subject: Geometry

Grade: B+

Instructor: Mr. Ralston

Adviser: Mr. Krieger

Date: 11/28/94

Kurt is doing a great job in Geometry. He works hard; contributing in class and seeking extra help when he needs it. Kurt's work is always complete and demonstrates a thoughtful understanding of all material. He should be encouraged to keep up the good work.

I enjoy having Kurt in class. His desire to learn and do well are exemplary qualities. Kurt is an integral member of his class and can be depended on to start discussions, even on a slow day. Have a joyful holiday season.

SIGNATURE

Handwritten signature of Mr. Ralston in cursive script, written over a horizontal line.

INSTRUCTOR



HILL0104



ACADEMIC



REPORT

Student: Poulos, Kurt  
Subject: Geometry  
Grade: A

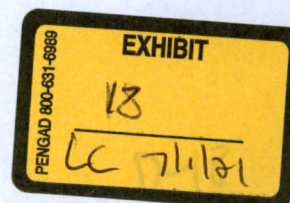
Instructor: Mr. Dalston  
Adviser: Mr. Krieger  
Date: 3/6/96

Kurt had a strong performance in geometry during the Winter Term. The quality of his work improved markedly over the fall. Kurt is an integral part of a dynamic class. He is always involved in class discussion and is not content with answers which he finds insufficient. Kurt seems to expect everyone in the class to work hard.

I have really enjoyed having Kurt in class and getting to know him. He is a sharp witty young man who knows when to use his wit and when to be serious. I look forward to working with Kurt during the next two years.

SIGNATURE

*Matthew B. Dalston*  
INSTRUCTOR



HILL0089



ACADEMIC



REPORT

Student: Poulos, Kurt  
Subject: Geometry  
Grade: B+

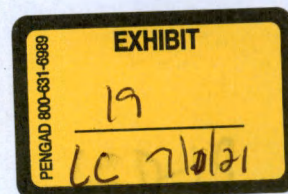
Instructor: Mr. Ralston  
Advised: Mr. Krieger  
Date: 5/29/95

Spring term was spent doing classic constructions, finding the areas of plane figures, finding the areas and volumes of solids and introducing analytic geometry. The "flavor" of the course was considerably different than the first two terms since we did few two-column proofs and more in the way of applying theory.

Having Kurt in class this year was one of the truly bright spots in a good year. Kurt's genuine concern for others combined with his tremendous sense of humor make him a joy to work with and an asset to his class and the school. Kurt works hard in class and expects every one else to as well. His work is thorough and complete, demonstrating a solid understanding. Kurt should be commended for his efforts. Kurt brings a lot to the school and I am glad that he is here. Have a great summer.

SIGNATURE

*Mr. Ralston*  
INSTRUCTOR



HILL0078



Utica National  
Insurance Group  
Insurance that starts with you.

Mark Nowak, CPCU, SCLA  
Complex Liability Claims Examiner

Utica National Home Office Claims Department  
P.O. Box 5310, Binghamton, New York 13902  
Telephone: (716) 639-2335  
Fax: (888) 538-2018  
Mark.Nowak@uticanational.com

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

7009 2250 0004 4404 6357

**RESERVATION OF RIGHTS**

June 20, 2018

Matthew B. Ralston  
20454 Nossger Road  
Lake Ann, MI 49650

RE: Insured: The Hill School  
Claimant: Kurtis Nicholas Poulos  
Claim No.: 10139719  
Policy No.: CPP-1686565, CULP-1690933

Dear Mr. Ralston:

Graphic Arts Mutual Insurance Company (Graphic Arts) received a first report of loss, on April 20, 2018, related to the above captioned claim. The report, submitted by Willis Towers Watson, included a letter of representation from the Law Offices of Mitchell Garabedian. The letter, dated April 11, 2018, is an attempt to settle and compromise claims involving Matthew B. Ralston and his supervisors at The Hill School. More specifically, the attorney claims that his client, Kurtis Nicholas Poulos, was repeatedly sexually molested by Mr. Ralston from approximately 1993 until 1995 while he attended The Hill School. The matter was reported to us to determine if any coverage is available to The Hill School under our Commercial Package Policy, CPP-1686565, and Commercial Umbrella Liability Policy, CULP-1690933. As the claim presents direct allegations against you, we are also investigating the matter and reviewing our policies to determine if any coverage is available to you.

**SUMMARY OF ALLEGATIONS**

Mr. Garabedian's letter alleges that Mr. Poulos was injured as a result of the sexual molestation and that these injuries include depression, sadness, crying, anxiety, emotional pain, sleep problems, concentration problems, low self-esteem, low self-respect, low self-confidence, apathy, finding himself not caring about things, not caring about his grades or his future while he attended The Hill School, turned to drugs and alcohol to cope with the emotional pain, self-sabotaging the good things in his life, flashbacks and reminders, feeling unbroken and unfixable, sexuality problems such as being oversexed at times, problems with being touched, self-harm, feeling alone and isolated, feeling ostracized while he was at school, shame, embarrassment, guilt, self-blame, trust problems, intimacy problems, losing a dangerous amount of weight while at The Hill School because he did not feel like eating, suicidal ideation, creation of an emotional void in him, anger, confusion, feeling that Mr. Ralston ruined a part of his life, feeling that Mr. Ralston sent him down the wrong road in life, feeling that Mr. Ralston stole his childhood innocence. The letter presents a \$1,000,000 demand for settlement of the claim presented.

*Claim No.: 10139719*  
*Page 2 of 7*

### **POSITION ON COVERAGE**

Graphic Arts Mutual Insurance Company first issued a Commercial Package Policy, Number CPP-1686565, as well as a Commercial Umbrella Liability Policy, Number CULP-1690933, to The Hill School for the policy period September 1, 1993 to September 1, 1994. The policy has been renewed on an annual basis since, with the February 1, 2018 to February 1, 2019 policy currently in effect.

In reviewing potential coverage for this case, we examined the relevant forms under the above policies. The **Commercial General Liability Coverage Form**, CG 00 01 11 88, under the Commercial Package Policy provides coverage for damages the insured becomes legally obligated to pay because of bodily injury” caused by an “occurrence” that occurs during the policy period. There is no coverage for “bodily injury” that is expected or intended from the standpoint of the insured. Further, the policy conditions require timely notification and cooperation as further explained below. Liability coverage under the Commercial Package Policy is subject to a \$1,000,000 per occurrence limit.

The **Commercial Umbrella Liability Coverage Form**, 8-UMC-C (Ed. 7-89), under the Commercial Umbrella Liability Policy provides excess liability coverage subject to a \$5,000,000 per occurrence and general aggregate limit. This coverage is subject to the same terms, conditions, agreements, exclusions and definitions as any insurance provided under the **Commercial General Liability Coverage Form**.

Based on the allegations that have been presented in the letter, and the provisions of our policies, there may be no coverage available to you in this matter. We are, however, proceeding under a reservation of rights and will need to investigate the matter further to determine if there is any covered claim against you for “bodily injury” caused by an “occurrence” in the policy period as those terms and provisions are defined. We will need to determine if any exclusions, including the exclusion that removes coverage for injury that is expected or intended, apply and if you qualify as an insured under our policy. As no “suit” has been filed, as defined by the policy, Graphic Arts has no duty to provide you with a defense at this time. Lastly, it is recommended, if you have not done so, to contact your homeowner’s insurance carrier during the dates alleged by the claimant, to determine if there would be any available coverage through that company.

### **ANALYSIS OF COVERAGE POSITION**

The **COMMERCIAL GENERAL LIABILITY COVERAGE FORM**, CG 00 01 11 88, contains the following language:

#### **SECTION I – COVERAGES**

##### **COVERAGE A. BODILY INJURY AND PROPERTY DAMAGE LIABILITY**

##### **1, Insuring Agreement.**

- a, We will pay those sums that the insured becomes legally obligated to pay as damages because of “bodily injury” or “property damage” to which this insurance applies. We will have the right and duty to defend any “suit” seeking those damages. We may at our discretion investigate any “occurrence” and settle any claim or “suit” that may result.



Claim No.: 10139719  
Page 3 of 7

- b. This insurance applies to "bodily injury" and "property damage" only if:
  - (1) The "bodily injury" or "property damage" is caused by an "occurrence" that takes place in the "coverage territory;" and
  - (2) The "bodily injury" or "property damage" occurs during the policy period.

Coverage is available under the policy for damages because of "bodily injury" caused by an "occurrence" that occurs during the policy period. However, there is a question as to whether there is any claim against you for "bodily injury" caused by an "occurrence" that occurred during the policy period.

The policy continues, under the **CORPORAL PUNISHMENT** form **CG 22 67 11 85**, as follows:

## 2. Exclusions

This insurance does not apply to:

- a. "Bodily injury" or "property damage" expected or intended from the standpoint of the insured.

This exclusion does not apply to "bodily injury" resulting from:

- (1) The use of reasonable force to protect persons or property; or
- (2) Corporal punishment to any student or pupil administered by or at the direction of any insured.

Based on the above exclusion, no coverage is available for "bodily injury" expected or intended from the standpoint of the insured unless such injury results from the use of reasonable force to protect persons or property or from corporal punishment to any student or pupil by or at the direction of any insured. This exclusion may also apply for any claim made against you.

FORM **CG 00 01** continues:

## SECTION II – WHO IS AN INSURED

- 1. If you are designated in the Declarations as:
  - c. An organization other than a partnership or joint venture, you are an insured. Your executive officers and directors are insureds, but only with respect to their duties as your officers or directors. Your stockholders are also insureds, but only with respect to their liability as stockholders.
- 2. Each of the following is also an insured:
  - a. Your employees, other than your executive officers, but only for acts within the scope of their employment by you.

The **COLLEGES OR SCHOOLS (LIMITED FORM)** endorsement, **CG 22 71 11 85**, adds:

- 3. **WHO IS AN INSURED (Section II)** is amended to include as an insured any of the following but only with respect to their duties in connection with the positions described below:
  - a. Any of your trustees or members of your Board of Governors if you are a private charitable or educational institution;

Claim No.: 10139719  
Page 4 of 7

- b. Any of your board members or commissioners if you are a public board or Commission; or
- c. Any student teachers teaching as part of their educational requirements.

The above provision indicates that the executive officers and directors of The Hill School are insureds but only with respect to their duties as such. The Hill School's employees are also insureds but only for acts within the scope of their employment. As any claims against you may be related to alleged acts that fall outside the scope of your employment with The Hill School, you may not qualify as an insured under the policy.

Form **CG 00 01** contains the following conditions, which require timely reporting and cooperation, as well as policy definitions:

#### **SECTION IV – COMMERCIAL GENERAL LIABILITY CONDITIONS**

##### **2 Duties In The Event Of Occurrence, Claim Or Suit.**

- a. You must see to it that we are notified as soon as practicable of an "occurrence" or an offense which may result in a claim. To the extent possible, notice should include:
  - (1) How, when and where the "occurrence" or offense took place;
  - (2) The names and addresses of any injured persons and witnesses; and
  - (3) The nature and location of any injury or damage arising out of the "occurrence" or offense.
- b. If a claim is made or "suit" is brought against any insured, you must:
  - (1) Immediately record the specifics of the claim or "suit" and the date received; and
  - (2) Notify us as soon as practicable.
- c. You must see to it that we receive written notice of the claim or "suit" as soon as practicable. You and any other involved insured must.
  - (1) Immediately send us copies of any demands, notices, summonses or legal papers received in connection with the claim or "suit;"
  - (2) Authorize us to obtain records and other information;
  - (3) Cooperate with us in the investigation, settlement or defense of the claim or "suit;" and
  - (4) Assist us, upon our request, in the enforcement of any right against any person or organization which may be liable to the insured because of injury or damage to which this insurance may also apply.
- d. No insureds will, except at their own cost, voluntarily make a payment, assume any obligation, or incur any expense, other than for first aid, without our consent.

#### **SECTION V – DEFINITIONS**

- 4. "Bodily injury" means bodily injury, sickness or disease sustained by a person, including death resulting from any of these at any time.
- 9. "Occurrence" means an accident, including continuous or repeated exposure to substantially the same general harmful conditions.
- 13. "Suit" means a civil proceeding in which damage because of "bodily injury," "property damage," "personal injury" or "advertising injury" to which this Insurance applies are alleged. "Suit" includes:

Claim No.: 10139719  
Page 5 of 7

- a. An arbitration proceeding in which such damages are claimed and to which you must submit or do submit with our consent; or
- b. Any other alternative dispute resolution proceeding in which such damages are claimed and to which you submit with our consent.

The **COMMERCIAL UMBRELLA LIABILITY COVERAGE FORM, 8-UMC-C (Ed. 7-89)**, contains the following language:

#### **SECTION I - COVERAGES**

##### **COVERAGE A - EXCESS LIABILITY**

##### **1. Insuring Agreement - COVERAGE A.**

- a. We will pay those sums, in excess of the limits of liability under the terms of any "underlying insurance," that the insured becomes legally obligated to pay as damages because of "injury" or "wrongful act," to which this insurance applies, provided that the "underlying insurance" also applies, or would apply but for the exhaustion of its applicable limits of insurance. If, however, the Retained Limit applies as described below in 4. Retained Limit Each Incident - COVERAGE A, we will pay only those sums in excess of the Retained Limit.

**This insurance is subject to the same terms, conditions, agreements, exclusions and definitions as the "underlying insurance" except with respect to any provisions to the contrary contained in this insurance.**

- b. We will have the right to participate in the defense of claims or "suits" against the insured seeking damages because of "injury" or "wrongful act" to which this insurance may apply. We will have a duty to defend such claims or "suits" when the applicable limit of insurance of the "underlying insurance" has been used up by payment of judgments or settlements. The right or duty to defend is limited as described below in 3. Defense of Claims Or Suits - COVERAGE A.
- c. The amount we will pay for damages is limited as described in SECTION III - LIMITS OF INSURANCE.
- d. We will have no obligation under this insurance with respect to any claim or "suit" that is settled without our consent.
- e. This insurance applies only to "injury" or "wrongful act" which occur during the policy period except for "bodily injury" by disease to your employees. With respect to "bodily injury" by disease to your employees, such "bodily injury" must:
  - (1) Be caused or aggravated by the conditions of your employment; and
  - (2) Result from exposure to conditions with the last day of last exposure occurring during the policy period.

Any "Injury" must be caused by an "incident."

##### **2. Exclusions - COVERAGE A.**

The exclusions applicable to the "underlying insurance" also apply to this insurance.

#### **SECTION IV - CONDITIONS**

##### **A. Conditions Applicable Only to COVERAGE A.**

If any of the following conditions are contrary to conditions contained in the "underlying insurance," the provisions contained in this policy apply.

##### **3. Duties In The Event Of Incident, Wrongful Act, Claim Or Suit**

- a. You must see to it that we are notified promptly of an "incident" or "wrongful act" which may result in a claim to which this insurance applies. To the extent possible, notice should include:
  - (1) How, when and where the "incident" or "wrongful act" took place;
  - (2) The names and addresses of any injured persons and witnesses; and
  - (3) The nature and location of:
    - (a) Any "injury" arising out of the "incident"; or

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*Page 6 of 7*

- (b) Any harm arising out of the "wrongful act."
- b. If a claim is made or "suit" is brought against any insured, you must see to it that we receive prompt written notice of the claim or "suit."
- c. You and any other involved insured must:
  - (1) Immediately send us copies of any demands, notices, summonses or legal papers received in connection with the claim or "suit";
  - (2) Authorize us to obtain records and other information;
  - (3) Cooperate with us in the investigation, settlement or defense of the claim or "suit";
  - (4) Assist us, upon our request, in the enforcement of any right against any person or organization which may be liable to any insured because of "injury" to which this insurance may also apply; and
  - (5) Notify us immediately of any judgment or settlement of any claim or "suit" brought against any insured.
- d. No insureds will, except at their own cost, voluntarily make a payment, assume any obligation, or incur any expense, other than for first aid, without our consent.

#### **SECTION V - DEFINITIONS**

##### **Definitions Applicable Only To COVERAGE A.**

- 1. "Aggregate limit" means the maximum amount stated in the policy for which the insurer will be liable regardless of the number of covered claims.
- 2. "Underlying insurance" means the liability insurance coverage provided under policies shown in the Declarations, for the limits and periods indicated. It includes any policies issued to replace those policies during the term of this insurance that provide:
  - a. At least the same policy limits; and
  - b. Liability insurance coverage for the same hazards insured against, except those changes we agree to in writing.
- 3. "Underlying insurer" means any insurer who issues a policy of "underlying insurance."
- 4. "Underlying policy" means a policy providing "underlying insurance."
- 5. "Wrongful act" means any harm, except "injury," for which the "underlying insurance" provides liability insurance coverage, or would have provided such coverage except for the exhaustion of limits by payments of judgments and settlements under the terms of such "underlying insurance."

##### **Definitions Applicable to COVERAGES A and B.**

- 3. "Bodily injury" means bodily injury, sickness or disease sustained by a person, including death resulting from any of these at any time.
- 5. "Incident" means:
  - a. With respect to "bodily injury" to persons other than your employees and "property damage," an accident, including continuous or repeated exposure to substantially the same general harmful conditions;
  - b. With respect to "bodily injury" to your employees arising out of and in the course of their employment by you, the accident or disease which causes the "bodily injury"; and
  - c. With respect to offense committed by the insured resulting in "personal injury" or "advertising injury," all such injury sustained by any one person or organization.
- 6. "Injury" means "bodily injury," "property damage," "advertising injury," or "personal injury."
- 13. "Suit" means a civil proceeding in which damages to which this insurance applies are alleged. "Suit" includes:
  - a. An arbitration proceeding in which such damages are claimed and to which you must submit or do submit with our consent; or
  - b. Any other alternative dispute resolution proceeding in which such damages are claimed and to which you submit with our consent.

Claim No.: 10139719  
Page 7 of 7

The **COMMERCIAL UMBRELLA LIABILITY COVERAGE FORM** provides coverage in excess of that which may be afforded under the **COMMERCIAL GENERAL LIABILITY COVERAGE FORM**. However, as outlined above, this coverage is subject to the same terms, conditions, agreements, exclusions and definitions as the underlying insurance.

### CONCLUSION

Based on the allegations that have been presented and the provisions of our policies, we must proceed under a reservation of rights. We will investigate further to determine if any coverage is available to you in this matter. More specifically, we will need to determine if there is any claim against you for "bodily injury" caused by an "occurrence" that occurred during the policy period. We will also need to determine if any policy exclusions, including the expected or intended exclusion cited above, apply and if any policy conditions have been breached. The policy conditions, as noted above, require timely reporting and cooperation. While we will proceed with our investigation under a reservation of rights at this time, we have no duty to provide you with coverage for defense as there is no "suit" as defined by the policy.

To the extent that a particular term, condition, limitation, or exclusion has not been cited, or any issue not referenced, that was not intended, it should not be considered as a waiver of any right this company may have under the policy. We reserve the right to amend this coverage letter, as well as disclaim coverage, should it become necessary. Nothing this company, or its agents, do in the investigation of this case is intended as a waiver of any of our policy rights or provisions. We understand your cooperation with us in the investigation of this claim is not a waiver of any of your policy rights. We encourage you to review your policy in full so you are aware of all of your rights and responsibilities.

Please notify us immediately should you receive any additional correspondence related to this matter, including any formal legal pleadings, so that we can review to determine whether they impact our coverage position. If you have any questions on our position at this time, please direct them to the Complex Liability Claims Specialist, Karen Lind, who is assigned to the claim. Karen can be contacted at 315-734-2205 or [Karen.lind@uticanational.com](mailto:Karen.lind@uticanational.com).

Sincerely,  
UTICA NATIONAL INSURANCE GROUP



Mark Nowak  
Complex Liability Claims Examiner

cc: Willis Towers Watson  
26 Century Boulevard  
Nashville, TN 37214

The Hill School  
Attn: Rick Wood, CFO & Treasurer  
717 East High Street  
Pottstown, PA 19464



## Exhibit "QQQ"



Mark Nowak, CPCU, SCLA  
Complex Liability Claims Examiner

Utica National Home Office Claims Department  
P.O. Box 5310, Binghamton, New York 13902  
Telephone: (716) 639-2335  
Fax: (888) 538-2018  
Mark.Nowak@uticanational.com

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
**7004 1350 0000 2064 7081**  
**DISCLAIMER OF COVERAGE**

February 11, 2019

Matthew B. Ralston  
20454 Nossger Road  
Lake Ann, MI 49650

RE: Insured: The Hill School  
Claimant: Kurtis Nicholas Poulos  
Claim No.: 10139719  
Policy No.: CPP-1686565, CULP-1690933

Dear Mr. Ralston:

Graphic Arts Mutual Insurance Company, a member of the Utica National Insurance Group and hereafter referred to as "Utica", previously issued a Reservation of Rights letter to you on the above captioned matter. That letter, dated June 20, 2018, was issued in response to allegations that the Claimant was sexually abused while he attended the Hill School. This carrier has now received a supplemental letter, dated December 26, 2018, from the Law Offices of Mitchell Garabedian to Tom D. Rees, Esq. of High Swartz, LLP, who is legal counsel to The Hill School. This letter was forwarded to Utica for review and for a coverage determination under its Commercial Package Policy, CPP-1686565, and Commercial Umbrella Liability Policy, CULP-1690933. Based on the allegations of sexual abuse against you, and the provisions of our policies, the purpose of this letter is to inform you that no coverage is available to you in this matter.

**SUMMARY OF ALLEGATIONS**

Mr. Garabedian's December 26, 2018 letter alleges that Kurtis Nicholas Poulos was sexually abused by you at The Hill School in approximately 1994 to 1995. He alleges the abuse occurred after Geometry class when you had Mr. Poulos stay behind and were alone with him. It is alleged Mr. Poulos was abused approximately 10 to 15 times during his sophomore year. The following year Mr. Poulos transferred to another school but returned to The Hill School for his senior year. He does not recall having any contact with you during his senior year or after he graduated in 1997.

Mr. Poulos alleges he was injured as a result of the sexual molestation and that these injuries include depression; sadness; crying; anxiety; emotional pain; sleep; concentration; low self-esteem; low self-respect; low self-confidence; apathy; finding himself not caring about things; self-medicating with alcohol and drugs; sabotaging himself; flashbacks and reminders of the abuse; feeling unbroken and unfixable; sexuality; problems with being touched; self-harm; feeling alone



Claim No.: 10139719  
Page 2 of 7

and isolated; feeling ostracized at The Hill School; shame; embarrassment; guilt; self-blame; trust; intimacy; losing weight while at The Hill School; suicidal ideation; feeling an emotional void; anger; confusion; feeling like you ruined a part of his life; feeling like you sent him down the wrong road in life; feeling like you stole his childhood innocence. The letter inquires as to what The Hill School's position is with regard to this matter.

### POSITION ON COVERAGE

Based on the allegations presented, Utica has determined there is no coverage available to defend or indemnify you under the policies this carrier provided to The Hill School. We reviewed the policies, with effective dates of September 1, 1994 to February 1, 1995, under the **Commercial General Liability Coverage Form**, with \$1,000,000.00 each occurrence and \$2,000,000.00 aggregate limit, as well as the **Commercial Umbrella Liability Coverage Form** subject to \$5,000,000.00 per occurrence and general aggregate limit. The underlying policy has been renewed on an annual basis to the present.

In reviewing potential coverage for this case, we examined the relevant forms under the above policies. The **Commercial General Liability Coverage Form**, CG 00 01 11 88, under the Commercial Package Policy provides coverage for damages the insured becomes legally obligated to pay because of "bodily injury" caused by an "occurrence" during the policy period. There is no coverage for "bodily injury" that is expected or intended from the standpoint of the insured. Further, the policy conditions require timely notification and cooperation as further explained below.

The **Commercial Umbrella Liability Coverage Form**, 8-UMC-C (Ed. 7-89), under the Commercial Umbrella Liability Policy provides excess liability coverage, subject to the same terms, conditions, agreements, exclusions and definitions as any insurance provided under the **Commercial General Liability Coverage Form**.

### ANALYSIS OF COVERAGE POSITION

The **COMMERCIAL GENERAL LIABILITY COVERAGE FORM, CG 00 01 11 88**, contains the following language:

#### **SECTION I – COVERAGES**

#### **COVERAGE A. BODILY INJURY AND PROPERTY DAMAGE LIABILITY**

##### **1, Insuring Agreement.**

- a. We will pay those sums that the insured becomes legally obligated to pay as damages because of "bodily injury" or "property damage" to which this insurance applies. We will have the right and duty to defend any "suit" seeking those damages. We may at our discretion investigate any "occurrence" and settle any claim or "suit" that may result.
- b. This insurance applies to "bodily injury" and "property damage" only if:
  - (1) The "bodily injury" or "property damage" is caused by an "occurrence" that takes place in the "coverage territory;" and
  - (2) The "bodily injury" or "property damage" occurs during the policy period.



Claim No.: 10139719

Page 3 of 7

Coverage is available under the policy for damages because of "bodily injury" caused by an "occurrence" that occurs during the policy period. The allegations against you, however, do not meet the policy definition of "occurrence" that is required to trigger coverage.

The policy continues, under the **CORPORAL PUNISHMENT** form **CG 22 67 11 85**, as follows:

## 2. Exclusions

This insurance does not apply to:

- a. "Bodily injury" or "property damage" expected or intended from the standpoint of the insured.

This exclusion does not apply to "bodily injury" resulting from:

- (1) The use of reasonable force to protect persons or property; or
- (2) Corporal punishment to any student or pupil administered by or at the direction of any insured.

Based on the above exclusion, no coverage is available for "bodily injury" expected or intended from the standpoint of the insured unless such injury results from the use of reasonable force to protect persons or property or from corporal punishment to any student or pupil by or at the direction of any insured. This exclusion further removes coverage for the allegations presented against you.

FORM **CG 00 01** continues:

## SECTION II – WHO IS AN INSURED

1. If you are designated in the Declarations as:

- c. An organization other than a partnership or joint venture, you are an insured. Your executive officers and directors are insureds, but only with respect to their duties as your officers or directors. Your stockholders are also insureds, but only with respect to their liability as stockholders.

2. Each of the following is also an insured:

- a. Your employees, other than your executive officers, but only for acts within the scope of their employment by you.

The **COLLEGES OR SCHOOLS (LIMITED FORM)** endorsement, **CG 22 71 11 85**, adds:

3. **WHO IS AN INSURED (Section II)** is amended to include as an insured any of the following but only with respect to their duties in connection with the positions described below:
  - a. Any of your trustees or members of your Board of Governors if you are a private charitable or educational institution;
  - b. Any of your board members or commissioners if you are a public board or Commission; or
  - c. Any student teachers teaching as part of their educational requirements.



Claim No.: 10139719  
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The above provisions indicate that the executive officers and directors of The Hill School are insureds but only with respect to their duties as such. The Hill School's employees are also insureds but only for acts within the scope of their employment. As the allegations against you are for acts that fall outside the scope of your employment with The Hill School, you do not qualify as an insured under the policy.

Form **CG 00 01** contains the following conditions, which require timely reporting and cooperation, as well as policy definitions:

#### **SECTION IV – COMMERCIAL GENERAL LIABILITY CONDITIONS**

##### **2 Duties In The Event Of Occurrence, Claim Or Suit.**

- a. You must see to it that we are notified as soon as practicable of an "occurrence" or an offense which may result in a claim. To the extent possible, notice should include:
  - (1) How, when and where the "occurrence" or offense took place;
  - (2) The names and addresses of any injured persons and witnesses; and
  - (3) The nature and location of any injury or damage arising out of the "occurrence" or offense.
- b. If a claim is made or "suit" is brought against any insured, you must:
  - (1) Immediately record the specifics of the claim or "suit" and the date receive; and
  - (2) Notify us as soon as practicable.

You must see to it that we receive written notice of the claim or "suit" as soon as practicable.
- c. You and any other involved insured must.
  - (1) Immediately send us copies of any demands, notices, summonses or legal papers received in connection with the claim or "suit;"
  - (2) Authorize us to obtain records and other information;
  - (3) Cooperate with us in the investigation, settlement or defense of the claim or "suit;" and
  - (4) Assist us, upon our request, in the enforcement of any right against any person or organization which may be liable to the insured because of injury or damage to which this insurance may also apply.
- d. No insureds will, except at their own cost, voluntarily make a payment, assume any obligation, or incur any expense, other than for first aid, without our consent.

#### **SECTION V – DEFINITIONS**

4. "Bodily injury" means bodily injury, sickness or disease sustained by a person, Including death resulting from any of these at any time.
9. "Occurrence" means an accident, including continuous or repeated exposure to substantially the same general harmful conditions.
13. "Suit" means a civil proceeding in which damage because of "bodily injury," "property damage," "personal injury" or "advertising injury" to which this Insurance applies are alleged. "Suit" includes:
  - a. An arbitration proceeding in which such damages are claimed and to which you must submit or do submit with our consent; or
  - b. Any other alternative dispute resolution proceeding in which such damages are claimed and to which you submit with our



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consent.

The **COMMERCIAL UMBRELLA LIABILITY COVERAGE FORM, 8-UMC-C (Ed. 7-89)**, contains the following language:

With respect to Coverage A, the word "insured" means any person or organization qualifying as such under any "underlying insurance."

#### **SECTION I - COVERAGES**

##### **COVERAGE A - EXCESS LIABILITY**

###### **1. Insuring Agreement - COVERAGE A.**

- a. We will pay those sums, in excess of the limits of liability under the terms of any "underlying insurance," that the insured becomes legally obligated to pay as damages because of "injury" or "wrongful act," to which this insurance applies, provided that the "underlying insurance" also applies, or would apply but for the exhaustion of its applicable limits of insurance. If, however, the Retained Limit applies as described below in 4. Retained Limit Each Incident - COVERAGE A, we will pay only those sums in excess of the Retained Limit.

This insurance is subject to the same terms, conditions, agreements, exclusions and definitions as the "underlying insurance" except with respect to any provisions to the contrary contained in this insurance.

- b. We will have the right to participate in the defense of claims or "suits" against the insured seeking damages because of "injury" or "wrongful act" to which this insurance may apply. We will have a duty to defend such claims or "suits" when the applicable limit of insurance of the "underlying insurance" has been used up by payment of judgments or settlements. The right or duty to defend is limited as described below in 3. Defense of Claims Or Suits - COVERAGE A.
- c. The amount we will pay for damages is limited as described in SECTION III - LIMITS OF INSURANCE.
- d. We will have no obligation under this insurance with respect to any claim or "suit" that is settled without our consent.
- e. This insurance applies only to "injury" or "wrongful act" which occur during the policy period except for "bodily injury" by disease to your employees. With respect to "bodily injury" by disease to your employees, such "bodily injury" must:
  - (1) Be caused or aggravated by the conditions of your employment; and
  - (2) Result from exposure to conditions with the last day of last exposure occurring during the policy period.Any "Injury" must be caused by an "incident."

###### **2. Exclusions - COVERAGE A.**

The exclusions applicable to the "underlying insurance" also apply to this insurance.

#### **SECTION IV - CONDITIONS**

##### **A. Conditions Applicable Only to COVERAGE A.**

If any of the following conditions are contrary to conditions contained in the "underlying insurance," the provisions contained in this policy apply.

###### **3. Duties In The Event Of Incident, Wrongful Act, Claim Or Suit**

- a. You must see to it that we are notified promptly of an "incident" or "wrongful act" which may result in a claim to which this insurance applies. To the extent possible, notice should include:
  - (1) How, when and where the "incident" or "wrongful act" took place;
  - (2) The names and addresses of any injured persons and witnesses; and
  - (3) The nature and location of:
    - (a) Any "injury" arising out of the "incident"; or
    - (b) Any harm arising out of the "wrongful act."



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Page 6 of 7

- b. If a claim is made or "suit" is brought against any insured, you must see to it that we receive prompt written notice of the claim or "suit."
- c. You and any other involved insured must:
  - (1) Immediately send us copies of any demands, notices, summonses or legal papers received in connection with the claim or "suit";
  - (2) Authorize us to obtain records and other information;
  - (3) Cooperate with us in the investigation, settlement or defense of the claim or "suit";
  - (4) Assist us, upon our request, in the enforcement of any right against any person or organization which may be liable to any insured because of "injury" to which this insurance may also apply; and
  - (5) Notify us immediately of any judgment or settlement of any claim or "suit" brought against any insured.
- d. No insureds will, except at their own cost, voluntarily make a payment, assume any obligation, or incur any expense, other than for first aid, without our consent.

## SECTION V - DEFINITIONS

### Definitions Applicable Only To COVERAGE A.

- 1. "Aggregate limit" means the maximum amount stated in the policy for which the insurer will be liable regardless of the number of covered claims.
- 2. "Underlying insurance" means the liability insurance coverage provided under policies shown in the Declarations, for the limits and periods indicated. It includes any policies issued to replace those policies during the term of this insurance that provide:
  - a. At least the same policy limits; and
  - b. Liability insurance coverage for the same hazards insured against, except those changes we agree to in writing.
- 3. "Underlying insurer" means any insurer who issues a policy of "underlying insurance."
- 4. "Underlying policy" means a policy providing "underlying insurance."
- 5. "Wrongful act" means any harm, except "injury," for which the "underlying insurance" provides liability insurance coverage, or would have provided such coverage except for the exhaustion of limits by payments of judgments and settlements under the terms of such "underlying insurance."

### Definitions Applicable to COVERAGES A and B.

- 3. "Bodily injury" means bodily injury, sickness or disease sustained by a person, including death resulting from any of these at any time.
- 5. "Incident" means:
  - a. With respect to "bodily injury" to persons other than your employees and "property damage," an accident, including continuous or repeated exposure to substantially the same general harmful conditions;
  - b. With respect to "bodily injury" to your employees arising out of and in the course of their employment by you, the accident or disease which causes the "bodily injury"; and
  - c. With respect to offense committed by the insured resulting in "personal injury" or "advertising injury," all such injury sustained by any one person or organization.
- 6. "Injury" means "bodily injury," "property damage," "advertising injury," or "personal injury."
- 13. "Suit" means a civil proceeding in which damages to which this insurance applies are alleged. "Suit" includes:
  - a. An arbitration proceeding in which such damages are claimed and to which you must submit or do submit with our consent; or
  - b. Any other alternative dispute resolution proceeding in which such damages are claimed and to which you submit with our consent.

The **COMMERCIAL UMBRELLA LIABILITY COVERAGE FORM** provides coverage in excess of that which may be afforded under the **COMMERCIAL GENERAL LIABILITY COVERAGE FORM**.



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However, as outlined above, this coverage is subject to the same terms, conditions, agreements, exclusions and definitions as the underlying insurance. As no coverage is available to you under the Commercial General Liability Coverage Form, coverage is also not available under the Umbrella Form.

### **CONCLUSION**

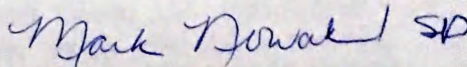
Based on the allegations that have been presented against you, and the provisions of our policies, we must inform you there is no available coverage to defend or indemnify you in this matter. Your alleged acts are, again, not deemed to be an "occurrence" or "incident" as those terms and provisions are defined. Furthermore, the alleged acts, as described, are not within the scope of your employment with The Hill School. As such, you are not an insured under the policies. Utica, therefore, disclaims coverage to you under its policies.

To the extent that a particular term, condition, limitation, or exclusion has not been cited, or any issue not referenced, that was not intended, it should not be considered as a waiver of any right this company may have under the policy. We reserve the right to amend this coverage letter should it become necessary. Nothing this company, or its agents, do in the investigation of this case is intended as a waiver of any of our policy rights or provisions.

Please notify us immediately should you receive any additional correspondence related to this matter, including any formal legal pleadings, so that we can review to determine whether they impact our coverage position. If you have any questions on our position at this time, please direct them to the Complex Liability Claims Specialist, Karen Lind, who is assigned to the claim. Karen can be contacted at 315-734-2205 or [Karen.lind@uticanational.com](mailto:Karen.lind@uticanational.com).

Sincerely,

UTICA NATIONAL INSURANCE GROUP



Mark Nowak  
Complex Liability Claims Examiner

cc:

Willis Towers Watson  
26 Century Boulevard  
Nashville, TN 37214

The Hill School  
Attn: Rick Wood, CFO & Treasurer  
717 East High Street  
Pottstown, PA 19464



## THE HILL SCHOOL

April 8, 2016

Matthew B. Ralston P'05'07  
The Leelanau School  
Glen Arbor, MI 49636

RE: Capital Giving Officer at The Hill School

Dear Matt,

It was great to speak with you this morning. Thank you for accepting the position of Capital Giving Officer at The Hill School. We are very excited for you to assume this responsibility at The Hill and within the Advancement Office. Please see our formal offer below.

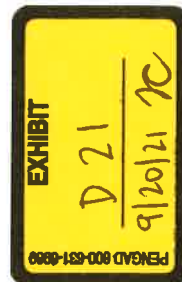
The starting salary will be \$68,000. This position is a full-time position with the Advancement Office and The Hill School. It is eligible for our benefits package of healthcare, retirement, vacation, and other matters – as will be provided to you by Heather Gelting, our human resources director. You will begin the Capital Giving Officer position with a start date of July 1, 2016. You will work remotely from your homes in Michigan and Ohio.

The Hill School will provide the following benefits to accommodate your remote work:

- 1) All travel expenses will be covered by a school-issued credit card
- 2) Cell phone reimbursement of \$75 per month
- 3) School-provided laptop computer
- 4) Traverse City or Columbus Airport will be your hub

Included below are the stipulations for your remote status:

- 1) You will attend the previously scheduled Plus Delta training in Philadelphia
- 2) You will schedule your campus visits (monthly) around Plus Delta sessions
  - a. You will likely stay in the Guest House on campus
- 3) You will have a weekly call with Geoff
- 4) You will be available by phone and email during working hours
  - a. We will expect a call or email back within a reasonable amount of time (1-2 hours) that same day if someone from The Hill reaches out to you, especially from the Advancement Office
- 5) You may be expected to attend key on-campus events as needed
  - a. Lawrenceville Weekend, Reunion Weekend, Dedications, etc.
- 6) You will make us aware of home/travel/meeting dates one week in advance





- 7) You will be expected to complete at least 12-15 donor meetings per month
- 8) You will send Geoff contact reports within 72 hours of visits

This position at The Hill is critical and valued. You being a part of that important work will help us be more successful. Please sign and date below and return to us to confirm your formal acceptance.

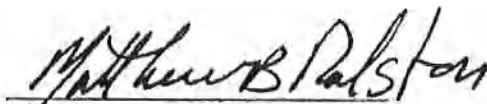
Congratulations! We in the Advancement Office look forward to working with you.

Best,



Geoffrey A. Neese '00  
Director of Capital Giving

Accepted by:



Matthew B. Raltson P'05'07

4.11.2016  
Date

## Heather Gelting

---

**From:** Geoff Neese  
**Sent:** Monday, April 11, 2016 1:33 PM  
**To:** Hill Faculty; Hill Staff  
**Cc:** Matt  
**Subject:** New gift officer - Matt Ralston

Good afternoon,

I am excited to announce that **Matt Ralston** will be returning to The Hill in July as a Capital Giving Officer.

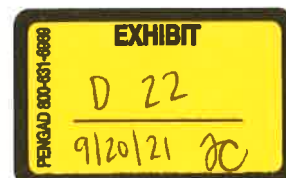
As many of you remember, Matt spent 17 years at The Hill from 1992-2009 where he served as math teacher, Academic Dean, and Dean of Faculty. Matt also spent many years coaching cross country, winter track, and JV boys' lacrosse. Matt and his wife Mary Beth raised their two sons (Zach '05, Kyle '07) here at The Hill. They lived in the dorm for 14 years in Dutch Village, Upper School, and Rolfe. Matt has spent the past seven years as Headmaster of The Leelanau School in Glen Arbor, Michigan. Matt has his undergraduate and master's degrees from Ohio State.

Matt will join a team of six gift officers and fill the opening left by Jessica Moyer's departure. Matt's work will be critical as we head into year three of *The Strength of All* Campaign. Matt will work remotely from his homes in Michigan and Ohio but will be on campus monthly to meet with the Advancement Office and stay connected to campus. He will likely cover the Midwest region in our major gifts department. Matt will officially start on July 1<sup>st</sup> but will be back on campus several times between now and then. If you see Matt, please welcome him back!

Best,  
Geoff

Geoff Neese '00  
**Director of Capital Giving**  
Office: 610-705-1194 | Mobile: 484-942-7582  
[gneese@thehill.org](mailto:gneese@thehill.org)

**THE HILL SCHOOL**  
**THE FAMILY BOARDING SCHOOL™**  
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[www.thehill.org](http://www.thehill.org) | [Find us on Facebook!](#)





**THE HILL SCHOOL**  
THE FAMILY BOARDING SCHOOL™

June 19, 2017

To: Ralston, Matthew B.

Dear Matt:

As we come to the conclusion of another successful school year at Hill, it is my pleasure to inform you of your new salary for the 2017-18 fiscal year. Effective July 1, 2017 your annual salary will \$73,100, paid bi-weekly, \$2,811.54.

Due to your efforts, Hill continues to be one of the premier independent schools in the country. We have much to be proud of, a successful graduating class, full enrollment for the fall, an ambitious campus improvement program, and growing support from our loyal alumni. None of this would be possible without your important contributions throughout the year. On behalf of our Board of Trustees and Headmaster Lehman, I thank you for all that you do to make Hill a great place for students, staff and faculty.

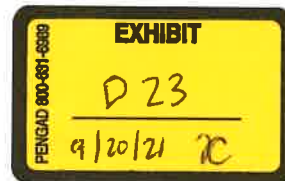
As you know, I will be retiring in July 2017. It has been a pleasure working with all of you. I wish you continued success in all your endeavors.

Congratulations and thank you.

Sincerely,

Donald Silverson  
CFO & Treasurer

*Matt,  
Nice to see you at  
Reunion. Glad to have  
you as part of the campaign.  
Good luck.*





Deposition of:  
**Mitchell Garabedian**

*June 24, 2021*

In the Matter of:  
**Doe, John v. Garabedian, Mitchell Esq  
et al**

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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NO. 2:19-cv-01539

JOHN DOE

Plaintiff

v.

MITCHELL GARABEDIAN, ESQ., LAW

OFFICES OF MITCHELL GARABEDIAN

and KURTIS N. POULOS

Defendants

AUDIOVISUAL DEPOSITION of MITCHELL GARABEDIAN,  
a witness called by counsel for the Plaintiff, taken  
pursuant to the Federal Rules of Civil Procedure before  
Kristen L. Kelly, Registered Professional Reporter, CSR  
No. 115893 and Notary Public in and for the  
Commonwealth of Massachusetts, at REGUS BOSTON,  
75 State Street, Boston, Massachusetts, on Thursday,  
June 24, 2021, commencing at 10:01 a.m.

<p style="text-align: right;">Page 2</p> <p>1 A P P E A R A N C E S:</p> <p>2</p> <p>3 THE BEASLEY FIRM, LLC</p> <p>4 By: Lane R. Jubb, Jr., Esquire</p> <p>5 Louis F. Tumolo, Esquire</p> <p>6 The Beasley Building</p> <p>7 1125 Walnut Street</p> <p>8 Philadelphia, Pennsylvania 19107</p> <p>9 215.592.1000</p> <p>10 lane.jubb@beasleyfirm.com</p> <p>11 louis.tumolo@beasleyfirm.com</p> <p>12 For the Plaintiff</p> <p>13</p> <p>14</p> <p>15 SWARTZ CAMPBELL LLC</p> <p>16 By: Jeffrey B. McCarron, Esquire</p> <p>17 Candidus K. Dougherty, Esquire (Remote)</p> <p>18 One Liberty Place, 38th Floor</p> <p>19 1650 Market Street</p> <p>20 Philadelphia, Pennsylvania 19103</p> <p>21 215.299.4376</p> <p>22 jmccarron@swartzcampbell.com</p> <p>23 cdougherty@swartzcampbell.com</p> <p>24 For Mitchell Garabedian, Esquire and</p> <p>25 Law Offices of Mitchell Garabedian</p>	<p style="text-align: right;">Page 4</p> <p>1 I N D E X</p> <p>2 Deponent: Direct Cross Redirect Recross</p> <p>3 MITCHELL GARABEDIAN</p> <p>4 By Mr. Lane 8</p> <p>5 By Mr. Poulos 235</p> <p>6</p> <p>7</p> <p>8 E X H I B I T S</p> <p>9 No. Page</p> <p>10 Exhibit 1 Email Chain, 12.13.2017; 35</p> <p>11 Garabedian 029</p> <p>12 Exhibit 2 12.13.2017 Letter Between Mitchell 37</p> <p>13 Garabedian and Kurtis Poulos;</p> <p>14 Garabedian_File0111-112</p> <p>15 Exhibit 3 12.15.17 Memo; Garabedian 112 and 40</p> <p>16 12.15.17 Memo; Garabedian 116</p> <p>17 Exhibit 4 04.11.2018 Letter Between Mitchell 42</p> <p>18 Garabedian and The Hill School;</p> <p>19 Garabedian 114</p> <p>20 Exhibit 5 01.30.2018 Letter Between Mitchell 43</p> <p>21 Garabedian and The Hill School;</p> <p>22 Garabedian 115</p> <p>23 Exhibit 6 04.11.2018 Letter Between Mitchell 46</p> <p>24 Garabedian and Zachary Lehman;</p> <p>25 Garabedian 071-72</p>
<p style="text-align: right;">Page 3</p> <p>1 R E M O T E A P P E A R A N C E:</p> <p>2</p> <p>3 KURTIS N. POULOS, PRO SE</p> <p>4 3239 West Colony Drive</p> <p>5 Greenfield, Wisconsin 53221</p> <p>6 262.330.4604</p> <p>7 lex101078@gmail.com</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24 ALSO PRESENT IN BOSTON:</p> <p>25 Adam Cerro, Videographer</p>	<p style="text-align: right;">Page 5</p> <p>1 E X H I B I T S</p> <p>2 No. Page</p> <p>3 Exhibit 7 04.11.2018 Letter Between Mitchell 49</p> <p>4 Garabedian and Zachary Lehman;</p> <p>5 Hill0219-0220/P16.219-220</p> <p>6 Exhibit 8 09.17.2018 Email Between Kurtis 79</p> <p>7 Poulos and Mitchell Garabedian;</p> <p>8 Garabedian_Email 0057-58</p> <p>9 Exhibit 9 09.20.2018 Email Between Kurtis 79</p> <p>10 Poulos and Mitchell Garabedian;</p> <p>11 Garabedian_Email 0059-60</p> <p>12 Exhibit 10 04.24.2018 Letter Between Thomas 92</p> <p>13 Rees and Mitchell Garabedian;</p> <p>14 Garabedian 065</p> <p>15 Exhibit 11 Email Chain, 12.18.2018 Between 95</p> <p>16 Thomas Rees and Mitchell Garabedian;</p> <p>17 Garabedian 063</p> <p>18 Exhibit 12 01.28.2019 Letter Between Mitchell 104</p> <p>19 Garabedian and Thomas Rees;</p> <p>20 Garabedian 047</p> <p>21 Exhibit 13 12.19.2018 Email Chain Between 104</p> <p>22 Thomas Rees and Mitchell Garabedian;</p> <p>23 Garabedian 061</p> <p>24</p> <p>25</p>



Page 6	Page 8
<p>1 EXHIBITS</p> <p>2 No. Page</p> <p>3 Exhibit 14 01.09.2019 Email Between Thomas Rees 109</p> <p>4 and Mitchell Garabedian;</p> <p>5 Garabedian 051</p> <p>6 Exhibit 15 01.30.2019 Email Between Thomas Rees 132</p> <p>7 and Mitchell Garabedian;</p> <p>8 Garabedian 046</p> <p>9 Exhibit 16 12.26.2018 Letter Between Mitchell 136</p> <p>10 Garabedian and Thomas Rees;</p> <p>11 Hill 0225-0226/P16.225-226</p> <p>12 Exhibit 17 02.19.2019 Email Between Kurtis 140</p> <p>13 Poulos and Mitchell Garabedian;</p> <p>14 Garabedian_Email 0067</p> <p>15 Exhibit 18 Handwritten Notes; 144</p> <p>16 Garabedian_File0001-40</p> <p>17 Exhibit 19 Contingent Fee Agreement; 210</p> <p>18 Garabedian_File 0072</p> <p>19 Exhibit 20 12.13.2017 Email From Mary Ellen 219</p> <p>20 Poulos to Mitchell Garabedian;</p> <p>21 Garabedian_File 0047-50</p> <p>22 Exhibit 21 04.23.2016 Headmaster Message; 223</p> <p>23 Hill 0240</p> <p>24</p> <p>25 (Exhibits attached to transcript.)</p>	<p>1 MR. POULOS: Yeah, Kurt Poulos here pro</p> <p>2 se.</p> <p>3 THE VIDEOGRAPHER: Thank you.</p> <p>4 Will the court reporter please swear in</p> <p>5 the witness.</p> <p>6</p> <p>7 MITCHELL GARABEDIAN</p> <p>8</p> <p>9 having been satisfactorily identified by the production</p> <p>10 of his Massachusetts driver's license and duly sworn</p> <p>11 was examined and testified as follows:</p> <p>12</p> <p>13 DIRECT EXAMINATION</p> <p>14 BY MR. JUBB:</p> <p>15 Q Mr. Garabedian, good morning.</p> <p>16 A Good morning.</p> <p>17 Q How many cases -- strike that.</p> <p>18 When was the last time you successfully tried</p> <p>19 a case to a verdict involving allegations of sexual</p> <p>20 abuse of a minor?</p> <p>21 MR. McCARRON: Objection.</p> <p>22 A I don't recall.</p> <p>23 Q Was it more than ten years ago?</p> <p>24 A Yes.</p> <p>25 Q Was it more than 20 years ago?</p>
Page 7	Page 9
<p>1 PROCEEDINGS</p> <p>2</p> <p>3 THE VIDEOGRAPHER: Good morning. We are</p> <p>4 going on the record. The time is 10:01 a.m. on</p> <p>5 June 24th, 2021. This is media unit one of the</p> <p>6 video-recorded deposition of Mitchell Garabedian taken</p> <p>7 by counsel for plaintiff in the matter of John Doe v.</p> <p>8 Mitchell Garabedian filed in the U.S. District Court</p> <p>9 for the Eastern District of Pennsylvania. This</p> <p>10 deposition is being held at 75 State Street, First</p> <p>11 Floor, Boston, Massachusetts.</p> <p>12 My name is Adam Cerro from the firm</p> <p>13 Veritext Legal Solutions. I am the videographer. The</p> <p>14 court reporter is Kristen Kelly.</p> <p>15 Counsel will now state their appearances</p> <p>16 and affiliations for the record. If there are any</p> <p>17 objections to proceeding, please state them at the time</p> <p>18 of your appearance beginning with the noticing</p> <p>19 attorney.</p> <p>20 MR. JUBB: Good morning. Lane Jubb of</p> <p>21 The Beasley Firm for plaintiff.</p> <p>22 MR. McCARRON: Jeffrey McCarron. I</p> <p>23 represent Mitchell Garabedian.</p> <p>24 MR. JUBB: Mr. Poulos, would you like to</p> <p>25 introduce yourself for the record, please.</p>	<p>1 A Yes.</p> <p>2 Q When was the last time that you deposed a</p> <p>3 witness who was being accused of abusing a minor</p> <p>4 sexually?</p> <p>5 MR. McCARRON: Objection.</p> <p>6 A I don't recall.</p> <p>7 Q Was it more than five years ago?</p> <p>8 MR. POULOS: Hey, Lane?</p> <p>9 MR. JUBB: Yeah.</p> <p>10 MR. POULOS: Sorry to interrupt. I can</p> <p>11 barely hear you guys.</p> <p>12 MR. JUBB: Okay. I'll, I'll speak up.</p> <p>13 Q And, Mr. Garabedian, when I speak louder,</p> <p>14 it's not directed in any sort of tone.</p> <p>15 A Sure.</p> <p>16 Q It's just so he can hear.</p> <p>17 THE WITNESS: Can you repeat the last</p> <p>18 question?</p> <p>19 MR. JUBB: Sure.</p> <p>20 Q Do you recall the last time that you deposed</p> <p>21 a witness who was being accused of abusing a minor?</p> <p>22 A Yes.</p> <p>23 Q When was that?</p> <p>24 A About two, two months ago.</p> <p>25 Q Was that a witness who was involved in any</p>



<p style="text-align: right;">Page 10</p> <p>1 way with the church?</p> <p>2 A Yes.</p> <p>3 Q Okay. Approximately how many depositions do</p> <p>4 you take a month?</p> <p>5 MR. McCARRON: Objection.</p> <p>6 A It depends. When we're in discovery, when</p> <p>7 we're in discovery mode, it could be quite a few and</p> <p>8 other times maybe not.</p> <p>9 Q Well, over the last -- I know 2020's a little</p> <p>10 bit different, but in the 2019/2018/2017 timeframe,</p> <p>11 approximately how many times a month were you deposing</p> <p>12 witnesses?</p> <p>13 A My office or me?</p> <p>14 Q You. You, sir.</p> <p>15 A I don't recall. Not too many.</p> <p>16 Q More than two a month?</p> <p>17 A No.</p> <p>18 Q Approximately how many times in the last --</p> <p>19 let me back up.</p> <p>20 I appreciate that there might be reasons in</p> <p>21 2020 where things were kind of on hold with, with</p> <p>22 courts and whatnot, so I am including proceedings by</p> <p>23 Zoom, okay, in, in my questioning here.</p> <p>24 When was the last time that you appeared</p> <p>25 before a court?</p>	<p style="text-align: right;">Page 12</p> <p>1 Q And of those 500 has that number been</p> <p>2 consistent for the last five to ten years?</p> <p>3 A More or less. It's probably a little higher</p> <p>4 now.</p> <p>5 Q When was the last time that you prosecuted a</p> <p>6 case against a school?</p> <p>7 A Prosecuted as in criminal?</p> <p>8 Q No. You do civil work, right?</p> <p>9 A Yeah.</p> <p>10 Q Okay. So when was the last time that you</p> <p>11 tried a case involving allegations of sexual abuse by a</p> <p>12 teacher in any of the accusers from a former student?</p> <p>13 A I never have.</p> <p>14 Q Approx --</p> <p>15 MR. POULOS: Can I interject again? I</p> <p>16 can't hear any of the answers.</p> <p>17 MR. JUBB: Okay.</p> <p>18 Q Would you mind speaking up?</p> <p>19 A Sure.</p> <p>20 Q I know that we're very close, and it's</p> <p>21 uncomfortable to shout at each other.</p> <p>22 A Sure.</p> <p>23 MR. JUBB: And if there's any way that</p> <p>24 you could turn up the volume too.</p> <p>25 THE VIDEOGRAPHER: There's really not,</p>
<p style="text-align: right;">Page 11</p> <p>1 A Last week. Earlier this week.</p> <p>2 Q And did that have to do with allegations --</p> <p>3 strike that.</p> <p>4 Did that have to do with a case involving</p> <p>5 allegations of sexual abuse of a minor?</p> <p>6 A Yes.</p> <p>7 Q Do you handle any other cases right now other</p> <p>8 than sexual abuse of minor allegations?</p> <p>9 A Yes.</p> <p>10 Q Like what?</p> <p>11 A Sexual abuse of an adult.</p> <p>12 Q Do you handle any other cases involving civil</p> <p>13 matters other than anything -- strike that.</p> <p>14 Do you handle any other civil matters other</p> <p>15 than those involving allegations of sexual abuse or</p> <p>16 sexual assault?</p> <p>17 A No.</p> <p>18 Q Have you ever successfully tried a case to</p> <p>19 verdict involving sexual abuse of a minor?</p> <p>20 MR. McCARRON: Objection.</p> <p>21 A No.</p> <p>22 Q Approximately how many cases do you have?</p> <p>23 A In my office right now?</p> <p>24 Q Yes, sir.</p> <p>25 A 500.</p>	<p style="text-align: right;">Page 13</p> <p>1 actually.</p> <p>2 MR. JUBB: Okay.</p> <p>3 THE VIDEOGRAPHER: Unfortunately.</p> <p>4 THE WITNESS: Do you want to move this</p> <p>5 closer to me? Would it matter?</p> <p>6 THE VIDEOGRAPHER: If I moved it closer</p> <p>7 to you, you might not be as --</p> <p>8 MR. JUBB: I think I might be able to</p> <p>9 speak up a bit more, but I think he's a little bit</p> <p>10 quieter.</p> <p>11 THE VIDEOGRAPHER: I can try shifting it</p> <p>12 a little bit.</p> <p>13 (Pause.)</p> <p>14 BY MR. JUBB:</p> <p>15 Q Mr. Garabedian, of those 500 cases that you</p> <p>16 currently have in your office, it's my understanding</p> <p>17 that that number has been the same for approximately</p> <p>18 the last five to ten years?</p> <p>19 A More or less. It goes up and down.</p> <p>20 Q How many of them involve confidential</p> <p>21 settlements?</p> <p>22 MR. McCARRON: Objection.</p> <p>23 A In the last?</p> <p>24 Q Five to ten years.</p> <p>25 A Maybe one.</p>

<p style="text-align: right;">Page 14</p> <p>1 Q Maybe one is confidential?</p> <p>2 A Yes.</p> <p>3 Q And when I say confidential, I'm referring to</p> <p>4 the fact that -- are you just referring to the number?</p> <p>5 Did you understand that when I say confidential?</p> <p>6 A I don't know what you mean.</p> <p>7 Q Sure. So when cases resolve they can resolve</p> <p>8 for --</p> <p>9 MR. McCARRON: Why don't you just do</p> <p>10 this. Just, if you would, ask a question instead of --</p> <p>11 the commentary problem -- the commentary doesn't become</p> <p>12 a question so that's my concern.</p> <p>13 MR. JUBB: Yeah, I'm just trying to give</p> <p>14 a background and then what I'll do is tighten it up for</p> <p>15 you, okay.</p> <p>16 MR. McCARRON: Well, I just think -- I</p> <p>17 think you asked a question about how many involved</p> <p>18 confidential -- how many of the settlements were</p> <p>19 confidential. I'm not sure why you think there's a</p> <p>20 misunderstanding. He answered maybe one. So why don't</p> <p>21 we ...</p> <p>22 MR. JUBB: Okay. I'll, I'll -- I'm not</p> <p>23 sure what the issue is.</p> <p>24 MR. McCARRON: I'm not trying to give</p> <p>25 you a hard time. I'm just saying that what's the</p>	<p style="text-align: right;">Page 16</p> <p>1 MR. JUBB: -- then tightening up a</p> <p>2 question.</p> <p>3 MR. McCARRON: No.</p> <p>4 MR. JUBB: You're not going to allow me</p> <p>5 to explain --</p> <p>6 MR. McCARRON: No.</p> <p>7 MR. JUBB: -- the basis of my question.</p> <p>8 MR. McCARRON: No. You're only allowed</p> <p>9 to ask questions. That's all you're permitted to do.</p> <p>10 MR. JUBB: Okay.</p> <p>11 MR. McCARRON: So far you've been fine.</p> <p>12 It's just that now you're about to get into this</p> <p>13 dialogue or what I characterize as commentary. We're</p> <p>14 not going to do that. Just ask a question. So go</p> <p>15 ahead.</p> <p>16 MR. JUBB: Okay. If at any point in</p> <p>17 time you think that I didn't ask a question, just tell</p> <p>18 me rephrase it, okay?</p> <p>19 THE WITNESS: Thank you.</p> <p>20 MR. JUBB: All right.</p> <p>21 BY MR. JUBB:</p> <p>22 Q So my understanding is that over the last</p> <p>23 five to ten years the overwhelming majority of the</p> <p>24 cases that you have resolved have not been</p> <p>25 confidential; is that right?</p>
<p style="text-align: right;">Page 15</p> <p>1 controversy about that, if you could just -- I'm</p> <p>2 just -- my issue is with the commentary, that's all.</p> <p>3 MR. JUBB: Okay.</p> <p>4 MR. McCARRON: So don't do that.</p> <p>5 Q Mr. Garabedian, when you said --</p> <p>6 MR. JUBB: Well, I'm going to ask my</p> <p>7 question and then if he has -- if I'm confused, I'm</p> <p>8 going to ask the --</p> <p>9 MR. McCARRON: I don't have any problem</p> <p>10 with you asking questions assuming they're appropriate</p> <p>11 questions or, you know, proper -- you know, proper</p> <p>12 questions. That's not what my issue is. My issue is</p> <p>13 that you were having a conversation.</p> <p>14 MR. JUBB: Involving questions.</p> <p>15 MR. McCARRON: It wasn't a question. It</p> <p>16 was -- that's, that's my only issue.</p> <p>17 MR. JUBB: All right. We've been going</p> <p>18 for, for eight minutes --</p> <p>19 MR. McCARRON: If you ask --</p> <p>20 MR. JUBB: -- so if, if -- I am going to</p> <p>21 have to explain --</p> <p>22 MR. McCARRON: No.</p> <p>23 MR. JUBB: -- what I'm talking about to</p> <p>24 the witness and --</p> <p>25 MR. McCARRON: No.</p>	<p style="text-align: right;">Page 17</p> <p>1 A That's correct.</p> <p>2 Q And when you said not confidential, what do</p> <p>3 you mean by that?</p> <p>4 A It's -- they're not confidential.</p> <p>5 Q Are the, the amount -- strike that.</p> <p>6 Is the amount of the proceeds that your</p> <p>7 client received confidential?</p> <p>8 A No.</p> <p>9 Q And in doing that, of those cases that have</p> <p>10 resolved, approximately how many, if you can, involve</p> <p>11 defendants who were former teachers?</p> <p>12 A I, I couldn't tell you.</p> <p>13 Q Do you have any right now that involve former</p> <p>14 teachers?</p> <p>15 A Do I have any what?</p> <p>16 Q Do you have any cases that involve</p> <p>17 allegations against former teachers?</p> <p>18 A Yes.</p> <p>19 Q Okay. Approximately how many?</p> <p>20 A I don't know.</p> <p>21 MR. McCARRON: Objection.</p> <p>22 Q What portion of them take up your practice?</p> <p>23 A A small portion.</p> <p>24 Q And in those cases that you have</p> <p>25 approximately -- strike that.</p>

<p style="text-align: right;">Page 18</p> <p>1 Of the 500 or so cases that you have</p> <p>2 maintained in that ballpark over the last five to ten</p> <p>3 years, what portion of them would you say involve</p> <p>4 allegations of sexual abuse of a then minor for</p> <p>5 somebody who's over the age of 40?</p> <p>6 A I, I don't know. Some of them. I, I don't</p> <p>7 know.</p> <p>8 Q When was the last time you filed a lawsuit</p> <p>9 when the statute of limitations was blown?</p> <p>10 MR. McCARRON: Objection.</p> <p>11 A When, when it was blown?</p> <p>12 Q Yeah. Do you know what I mean by that?</p> <p>13 A No.</p> <p>14 Q Okay. So you've never heard the expression</p> <p>15 "the statute of limitations was blown?"</p> <p>16 MR. McCARRON: Objection.</p> <p>17 A I don't know what you mean by blown.</p> <p>18 Q Okay. So what's the statute of limitations?</p> <p>19 MR. McCARRON: Objection.</p> <p>20 A A deadline to file a lawsuit.</p> <p>21 Q And where does the statute of limitations</p> <p>22 come from?</p> <p>23 MR. McCARRON: Objection. You're not</p> <p>24 going to answer that. He's not going to answer that.</p> <p>25 You're not here to conduct a legal exam -- I mean the</p>	<p style="text-align: right;">Page 20</p> <p>1 Q All right. And so when you're making that</p> <p>2 determination, how do you make that determination?</p> <p>3 A Look at the relevant law.</p> <p>4 Q And the relevant law, that would be</p> <p>5 statutory, correct?</p> <p>6 A Yes.</p> <p>7 Q And that's something that is a code created</p> <p>8 by legislature, correct?</p> <p>9 A Yes.</p> <p>10 Q All right. And of the cases that you have</p> <p>11 right now, how many of them have you filed where you</p> <p>12 knew the statute of limitations had expired?</p> <p>13 A None.</p> <p>14 Q As of December 2017 am I correct that you</p> <p>15 first heard from Mary Ellen Poulos before Mr. Poulos?</p> <p>16 A I don't recall.</p> <p>17 MR. McCARRON: Okay. I'm sorry. I</p> <p>18 misunderstand -- didn't hear you. As of did you say</p> <p>19 December --</p> <p>20 MR. JUBB: December of 2017.</p> <p>21 Q Do you recall how you were first contacted as</p> <p>22 to any of the allegations that were going to be made by</p> <p>23 Mr. Poulos?</p> <p>24 A No.</p> <p>25 Q Take me through, if you will, your practice</p>
<p style="text-align: right;">Page 19</p> <p>1 bar exam for Mr. Garabedian. You're here to ask</p> <p>2 questions about facts. He's not going to be your</p> <p>3 source of information about the statute of limitations.</p> <p>4 MR. JUBB: All right. Watch this.</p> <p>5 Watch this, okay.</p> <p>6 Q Mr. Garabedian, before you decide to file a</p> <p>7 lawsuit do you take into consideration what the statute</p> <p>8 of limitation is?</p> <p>9 A Yes.</p> <p>10 Q All right. And when you do that, where do</p> <p>11 you go to determine the statute of limitations?</p> <p>12 A Don't argue with me, okay. I mean ... don't</p> <p>13 argue with me. If you're not going to be respectful, I</p> <p>14 mean I don't need you humping over here and, you know,</p> <p>15 just at me and then looking at me like that and --</p> <p>16 Q I just wanted to make sure my question wasn't</p> <p>17 pertaining --</p> <p>18 A Okay.</p> <p>19 Q -- to a legal conclusion, that's that. So</p> <p>20 I'm happy to, to lean back a little.</p> <p>21 But when you go file these cases, --</p> <p>22 MR. McCARRON: These cases.</p> <p>23 Q -- you yourself make a determination as to</p> <p>24 when the statute of limitations is, correct?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 21</p> <p>1 at that timeframe. Do you employ personally the</p> <p>2 associates -- strike that.</p> <p>3 As of 2017 did you personally employ all of</p> <p>4 the folks that work under your law practice?</p> <p>5 A Yeah, they're my associates.</p> <p>6 Q All right. And how many did you have at that</p> <p>7 time?</p> <p>8 A I don't know. I'd have to look.</p> <p>9 Q Was it more than five?</p> <p>10 A Probably between five and seven or eight.</p> <p>11 Q All right. And those associates, did they</p> <p>12 have any experience in trying cases at all?</p> <p>13 MR. McCARRON: Objection.</p> <p>14 A One.</p> <p>15 Q One? And who would that be?</p> <p>16 A William Gordon.</p> <p>17 Q And does Mr. Gordon -- strike that.</p> <p>18 Do you know his experience with trying cases?</p> <p>19 A Not really.</p> <p>20 Q During the December 2017 timeframe, what was</p> <p>21 the process for your intakes?</p> <p>22 A I would speak to a client and gain</p> <p>23 information.</p> <p>24 Q And, and what were the ways in which a</p> <p>25 potential client would contact you?</p>

<p style="text-align: right;">Page 22</p> <p>1 MR. McCARRON: Well, objection. I don't</p> <p>2 know. You're asking him -- I just want to be clear</p> <p>3 what you're asking. How a client would make contact is</p> <p>4 that your question?</p> <p>5 MR. JUBB: Yeah.</p> <p>6 A Call me. Send a letter. Email.</p> <p>7 Q Okay. And did you --</p> <p>8 A Various ways. I mean ...</p> <p>9 Q Sure.</p> <p>10 Did you have an intake department?</p> <p>11 A No, not specifically. I mean ...</p> <p>12 Q All right. So let's take the example of a</p> <p>13 phone call.</p> <p>14 A Yeah.</p> <p>15 Q If there's a phone call to the office and</p> <p>16 it's from a potential client, take me through the</p> <p>17 process as to how that person gets to your desk.</p> <p>18 A They'd speak to me. And I might interview</p> <p>19 them. One of my associates might interview them.</p> <p>20 Q And approximately -- how many -- if you can</p> <p>21 for us, do you keep statistics on your intakes?</p> <p>22 A Statistics?</p> <p>23 Q Sure. So some law firms pay attention to</p> <p>24 whether or not cases are coming in by telephone, by</p> <p>25 web. Maybe they're coming in by the letter that you</p>	<p style="text-align: right;">Page 24</p> <p>1 A Maybe. Maybe not.</p> <p>2 Q Well, in a given day do you spend the</p> <p>3 majority of your time in the office?</p> <p>4 A Sometimes.</p> <p>5 Q Well, my question was the majority of the</p> <p>6 time. Do you spend the majority of your time in the</p> <p>7 office?</p> <p>8 A Oh, I'm sorry. Yeah.</p> <p>9 Q Okay. And in terms of client discussions,</p> <p>10 are they predominantly over the phone?</p> <p>11 A Yes.</p> <p>12 Q If a potential client lives outside the, the</p> <p>13 immediate, you know, driving Massachusetts area and</p> <p>14 they contact you, do you have any sort of pattern of</p> <p>15 requesting that they come to your office to meet</p> <p>16 personally?</p> <p>17 A No.</p> <p>18 Q Do you ever question them in person to, to</p> <p>19 see their eye contact or their -- any sort of</p> <p>20 mannerisms in which they describe their story to you?</p> <p>21 A Sometimes.</p> <p>22 MR. McCARRON: Objection.</p> <p>23 Q And in what situations would that be?</p> <p>24 A If a person walked in the door.</p> <p>25 Q And unless they walk in the door am I correct</p>
<p style="text-align: right;">Page 23</p> <p>1 referred. Sometimes people actually walk through the</p> <p>2 door. My question was if you take or maintain</p> <p>3 statistics as to how your intakes are received?</p> <p>4 A No.</p> <p>5 Q All right. As of December 2017 are you able</p> <p>6 to tell me the policy that was in place as to who would</p> <p>7 be the person doing the initial interviews?</p> <p>8 MR. McCARRON: Objection.</p> <p>9 A No.</p> <p>10 Q Was there one in place?</p> <p>11 A Well, if a person called, I would speak to</p> <p>12 them usually, and we'd do an intake. And sometimes my</p> <p>13 associates would do an intake.</p> <p>14 Q Approximately how many intakes do you receive</p> <p>15 a month?</p> <p>16 A I don't know.</p> <p>17 MR. McCARRON: Objection.</p> <p>18 Q Does anybody in your office know?</p> <p>19 A No.</p> <p>20 Q All right. So of the intakes you receive a</p> <p>21 month does every client get to speak to you?</p> <p>22 A Most of them.</p> <p>23 Q And for the ones that speak to you am I</p> <p>24 correct that they speak to somebody else first before</p> <p>25 they speak to you?</p>	<p style="text-align: right;">Page 25</p> <p>1 that you're not going to be meeting with them to</p> <p>2 discuss or evaluate them in their potential claims?</p> <p>3 A Correct.</p> <p>4 Q And with respect to Mr. Poulos am I</p> <p>5 correct that --</p> <p>6 A Well, sometimes we do. Sometimes we don't.</p> <p>7 I mean there's no -- it's not an absolute.</p> <p>8 Q Okay. But the majority of the time am I</p> <p>9 correct that if a client contacts you by phone that you</p> <p>10 are not interviewing them in person?</p> <p>11 A Correct.</p> <p>12 Q And am I correct that at no point in time did</p> <p>13 you ever meet Mr. Poulos?</p> <p>14 A Correct.</p> <p>15 Q Am I correct that at no point in time did any</p> <p>16 of your associates ever meet Mr. Poulos?</p> <p>17 A Correct.</p> <p>18 Q And am I correct that at the time of</p> <p>19 2017/2018 did your office have the ability to do</p> <p>20 videoconference calls or Zoom?</p> <p>21 A I don't recall.</p> <p>22 Q As of 2017/2018 did you ever have an</p> <p>23 opportunity to meet with Mrs. Poulos?</p> <p>24 A Did I ever have an opportunity?</p> <p>25 Q Sure. I'll rephrase that to make it easier</p>

<p style="text-align: right;">Page 26</p> <p>1 for you.</p> <p>2 MR. McCARRON: Do you mean just did</p> <p>3 meet? Is that what you're asking?</p> <p>4 MR. JUBB: That's what I was going to</p> <p>5 do, yeah. I got this.</p> <p>6 Q Did you ever meet Mrs. Poulos?</p> <p>7 A No.</p> <p>8 Q During the 2017/2018 timeframe had you ever</p> <p>9 been involved in cases in Pennsylvania before?</p> <p>10 A I don't recall.</p> <p>11 Q At some point in time -- strike that.</p> <p>12 In looking at your website just the other</p> <p>13 day, I saw photos of you and Mr. Gordon; is that</p> <p>14 correct?</p> <p>15 A Yes.</p> <p>16 Q And the other individuals who are listed</p> <p>17 there, am I correct that none of them are barred in</p> <p>18 Pennsylvania?</p> <p>19 A Correct.</p> <p>20 Q And you're not barred in Pennsylvania,</p> <p>21 correct?</p> <p>22 A Correct.</p> <p>23 Q Have you ever tried a case in Connecticut?</p> <p>24 A No.</p> <p>25 Q Have you ever tried a case in New York?</p>	<p style="text-align: right;">Page 28</p> <p>1 Q Sure. And when you spoke with counsel from</p> <p>2 Pennsylvania was that in regards to another case that</p> <p>3 you had?</p> <p>4 A I think in regards to Pennsylvania cases,</p> <p>5 yeah.</p> <p>6 Q Were you involved in any of the cases against</p> <p>7 Penn State for Jerry Sandusky?</p> <p>8 A Well, I did have a client, yes.</p> <p>9 Q And did you take any depositions in that</p> <p>10 case?</p> <p>11 A No.</p> <p>12 Q Did you file any lawsuit in that case?</p> <p>13 A No.</p> <p>14 Q Did you draft any discovery in that case?</p> <p>15 A No.</p> <p>16 Q But you did have a client who received a</p> <p>17 settlement in that case, correct?</p> <p>18 A No.</p> <p>19 Q Okay. Did you ever file a case in New Jersey</p> <p>20 before?</p> <p>21 A Yes.</p> <p>22 Q And who's your local counsel in New Jersey?</p> <p>23 MR. McCARRON: Objection.</p> <p>24 A Attorney Dan Woodard.</p> <p>25 Q Have you ever filed a lawsuit in Wisconsin</p>
<p style="text-align: right;">Page 27</p> <p>1 A No.</p> <p>2 Q Have you ever filed a lawsuit in Connecticut?</p> <p>3 A Yes.</p> <p>4 Q Are you barred in Connecticut?</p> <p>5 A No.</p> <p>6 Q Take us through the process as to how you can</p> <p>7 file a lawsuit in Connecticut when you're not barred</p> <p>8 there.</p> <p>9 A I use local counsel.</p> <p>10 Q Who's your local counsel in Connecticut?</p> <p>11 MR. McCARRON: Objection.</p> <p>12 A Keefe &amp; Errante was the law firm I used in</p> <p>13 the Haiti cases in Connecticut.</p> <p>14 Q Have you ever filed a lawsuit in New York?</p> <p>15 A Yes.</p> <p>16 Q Have you -- who was your local counsel in</p> <p>17 that case?</p> <p>18 A Simmons law firm.</p> <p>19 Q Have you ever filed a lawsuit in Pennsylvania</p> <p>20 before?</p> <p>21 A No.</p> <p>22 Q Have you ever worked with a law firm in</p> <p>23 Pennsylvania before?</p> <p>24 A I've spoken to Pennsylvania counsel, but I've</p> <p>25 never -- if that's what you mean by worked. I mean ...</p>	<p style="text-align: right;">Page 29</p> <p>1 before?</p> <p>2 A No.</p> <p>3 Q Have you ever filed a lawsuit in Ohio before?</p> <p>4 MR. McCARRON: Objection.</p> <p>5 A No.</p> <p>6 Q And just to clarify, I know my first question</p> <p>7 had to do with cases involving sexual abuse so --</p> <p>8 strike that. I don't want there to be any commentary.</p> <p>9 MR. McCARRON: Thank you.</p> <p>10 Q When was the last time that you successfully</p> <p>11 tried any case?</p> <p>12 MR. McCARRON: Objection.</p> <p>13 A It had to be years ago.</p> <p>14 Q When you say "years ago", you mean more than</p> <p>15 20 years, correct?</p> <p>16 A Yes.</p> <p>17 Q Was it more than 30?</p> <p>18 A I don't know.</p> <p>19 Q Was it more than 40?</p> <p>20 A I don't know.</p> <p>21 Q Well, what comes to mind when you think of</p> <p>22 the, the last time you gave a closing argument to a</p> <p>23 jury?</p> <p>24 A It was quite a few years ago. It was a car</p> <p>25 accident case.</p>

<p style="text-align: right;">Page 30</p> <p>1 Q And -- strike that.</p> <p>2 Was that in Boston?</p> <p>3 A Massachusetts.</p> <p>4 Q Yes. Okay.</p> <p>5 So ultimately do you recall how you first</p> <p>6 came to learn of Mr. Poulos's allegations?</p> <p>7 A No.</p> <p>8 Q In anticipation of today's deposition tell me</p> <p>9 what you reviewed, please.</p> <p>10 MR. McCARRON: Objection.</p> <p>11 A I reviewed exhibits to deposition.</p> <p>12 Q Did you review Mr. Poulos's deposition?</p> <p>13 A Yes.</p> <p>14 Q Did you review the -- all the exhibits</p> <p>15 attached to his deposition?</p> <p>16 A I don't know if I reviewed them all.</p> <p>17 Q Did -- other than your counsel, of course,</p> <p>18 did anyone review those depositions with you?</p> <p>19 A No.</p> <p>20 Q Did you review all of them?</p> <p>21 MR. McCARRON: I think he said he didn't</p> <p>22 know.</p> <p>23 MR. JUBB: No, he said that as to</p> <p>24 exhibits.</p> <p>25 Q So there were multiple days of</p>	<p style="text-align: right;">Page 32</p> <p>1 MR. JUBB: Okay. But is it -- hold on,</p> <p>2 Jeff. Is it your position that I'm not allowed to know</p> <p>3 what documents he looked at by himself in anticipation</p> <p>4 of today?</p> <p>5 MR. McCARRON: Yes.</p> <p>6 MR. JUBB: Okay.</p> <p>7 Q So, Mr. Garabedian, who was the first person</p> <p>8 to speak with Mr. Poulos?</p> <p>9 MR. McCARRON: In his office is that</p> <p>10 what you're asking?</p> <p>11 MR. JUBB: No, just generally. I mean</p> <p>12 like Mr. Poulos never came to his office.</p> <p>13 MR. McCARRON: No. No. No. I don't</p> <p>14 mean that, sorry. You said -- you asked who was the</p> <p>15 first person to speak with Mr. Poulos. How he would</p> <p>16 ever know who the first person Mr. Poulos ever spoke</p> <p>17 to?</p> <p>18 MR. JUBB: That sounds like an answer</p> <p>19 that he would give me.</p> <p>20 MR. McCARRON: Concerning what?</p> <p>21 MR. JUBB: Who first spoke to</p> <p>22 Mr. Poulos.</p> <p>23 MR. McCARRON: You mean when he first</p> <p>24 learned how to speak? I imagine it was his mother.</p> <p>25 MR. JUBB: You thought that that was my</p>
<p style="text-align: right;">Page 31</p> <p>1 Mr. Poulos's --</p> <p>2 A I'm not sure if I -- there were multiple</p> <p>3 days. I'm not sure if I read them all.</p> <p>4 Q All right. Well, in reviewing his</p> <p>5 deposition -- strike that.</p> <p>6 Did you review any of the production that you</p> <p>7 provided in this case as part of discovery or initial</p> <p>8 disclosures?</p> <p>9 A I reviewed the exhibits.</p> <p>10 Q All right. And in -- which exhibits?</p> <p>11 A To the deposition.</p> <p>12 Q Okay. So does that mean that you did not</p> <p>13 review any of the documents that you produced as part</p> <p>14 of discovery or disclosures?</p> <p>15 A I may have reviewed some of them. I don't</p> <p>16 know.</p> <p>17 Q Well, take me through what you reviewed,</p> <p>18 please.</p> <p>19 MR. McCARRON: Objection. You can</p> <p>20 answer to the extent those are documents that were --</p> <p>21 that you reviewed that were not shared with you by your</p> <p>22 lawyers only.</p> <p>23 Q Do you understand his caveat?</p> <p>24 A Yeah, I only reviewed what my lawyers gave me</p> <p>25 to review.</p>	<p style="text-align: right;">Page 33</p> <p>1 question?</p> <p>2 MR. McCARRON: Well, you need to put a</p> <p>3 subject to it.</p> <p>4 MR. JUBB: Okay.</p> <p>5 MR. McCARRON: First person. That's why</p> <p>6 I asked you the person -- are you asking about someone</p> <p>7 in his -- within Mr. Garabedian's office? What are you</p> <p>8 trying to find out?</p> <p>9 MR. JUBB: Yeah, okay.</p> <p>10 BY MR. JUBB:</p> <p>11 Q Mr. Garabedian, at some point Mr. Poulos or</p> <p>12 his mom contacted your office, correct?</p> <p>13 A I don't recall who first contacted my office.</p> <p>14 Q Okay.</p> <p>15 THE WITNESS: Excuse me. Can I get a</p> <p>16 little glass of water, please. I don't mean interrupt.</p> <p>17 We can continue. Just ...</p> <p>18 Q Do you have any understanding as to which one</p> <p>19 of your associates first spoke with Mr. Poulos</p> <p>20 initially?</p> <p>21 A No.</p> <p>22 Q Did Mr. Poulos call or did someone send an</p> <p>23 email?</p> <p>24 A I don't recall.</p> <p>25 Q You have a website, and on that website</p>



<p style="text-align: right;">Page 34</p> <p>1 there's a way for someone to contact you through the</p> <p>2 website; is that correct?</p> <p>3 A Yes.</p> <p>4 Q And when someone fills out that little form</p> <p>5 do you get some sort of notification or an email?</p> <p>6 A I believe so.</p> <p>7 Q Do you personally get that or does somebody</p> <p>8 else in your office get that?</p> <p>9 A Everyone can access it in my office.</p> <p>10 Q And does everyone get some sort of little</p> <p>11 notification or ticker flying across their screen when</p> <p>12 there's an intake there?</p> <p>13 A No.</p> <p>14 Q Okay. But there's a -- I guess like a</p> <p>15 database and people can go in as they feel and see if</p> <p>16 there's any potential clients that need to be</p> <p>17 contacted; is that right?</p> <p>18 A Yes.</p> <p>19 Q And that's open to everybody in your office,</p> <p>20 correct?</p> <p>21 A Yes.</p> <p>22 Q And so do you have any recollection of --</p> <p>23 strike that.</p> <p>24 When was the last time that you'd personally</p> <p>25 go through this database and see potential clients?</p>	<p style="text-align: right;">Page 36</p> <p>1 A Yes.</p> <p>2 Q How did she get your email address?</p> <p>3 A I don't know.</p> <p>4 Q Is, is it a practice for your associates to</p> <p>5 give out your email address?</p> <p>6 A They may. I may.</p> <p>7 Q Did you first talk to Ms. Poulos before</p> <p>8 Mr. Poulos?</p> <p>9 A I don't remember.</p> <p>10 Q Do you have any idea when you look at this as</p> <p>11 to why she's saying thank you with an exclamation</p> <p>12 point?</p> <p>13 A No.</p> <p>14 Q Do you -- I -- strike that.</p> <p>15 Am I correct that -- strike that.</p> <p>16 How often do you speak with parents of adults</p> <p>17 who are claiming to be victims of sexual abuse?</p> <p>18 A I couldn't answer that. I mean ...</p> <p>19 Q Am I correct that Ms. Poulos was not your</p> <p>20 client?</p> <p>21 A Correct.</p> <p>22 Q You can put that down.</p> <p>23 A (Complies.)</p> <p>24 MR. JUBB: I'm going to mark this as</p> <p>25 Garabedian 2 which is Garabedian File 111-112.</p>
<p style="text-align: right;">Page 35</p> <p>1 A This morning.</p> <p>2 Q Okay. And am I -- strike that.</p> <p>3 Do you have any recollection of Mr. Poulos</p> <p>4 ever sending an intake through the website to you?</p> <p>5 A No.</p> <p>6 Q Do you have any recollection of your first</p> <p>7 conversation via telephone with Mr. Poulos?</p> <p>8 A No.</p> <p>9 MR. JUBB: Can we please mark this as</p> <p>10 Garabedian 1. This is going to be Garabedian 029.</p> <p>11 Here's a copy for you, Jeff.</p> <p>12 (Exhibit 1 marked</p> <p>13 for identification)</p> <p>14 Q Here you go.</p> <p>15 A Thank you.</p> <p>16 Q Did you look at this in anticipation of</p> <p>17 today?</p> <p>18 MR. McCARRON: Objection. Don't answer.</p> <p>19 Q Have you seen this before, sir?</p> <p>20 A Yes.</p> <p>21 Q All right. And at the top it looks like it's</p> <p>22 an email from Mary Ellen Poulos dated December 13th,</p> <p>23 2017 to you, and she's forwarding an email from her son</p> <p>24 that he received from The Hill School. Do you see</p> <p>25 that?</p>	<p style="text-align: right;">Page 37</p> <p>1 (Exhibit 2 marked</p> <p>2 for identification)</p> <p>3 MR. POULOS: Lane, can I interject? I</p> <p>4 can't see any of those documents that you're presenting</p> <p>5 to Mitchell.</p> <p>6 MR. JUBB: Okay. Then when I'm calling</p> <p>7 out these numbers, that's referring to the documents</p> <p>8 that were produced by Mr. Garabedian, okay. So you're</p> <p>9 going to need to pull those up.</p> <p>10 Q Here you go.</p> <p>11 A Thank you.</p> <p>12 Q All right. I've handed you what I have</p> <p>13 marked as Garabedian 2 which is Garabedian File 111</p> <p>14 through is 112. This appears to be the cover letter</p> <p>15 that you sent to Mr. Poulos enclosing a CFA, correct?</p> <p>16 A What is a CFA?</p> <p>17 Q Contingent Fee Agreement.</p> <p>18 A Yes.</p> <p>19 Q At the bottom of this it says: Very truly</p> <p>20 yours, Mitchell Garabedian. Are those your initials?</p> <p>21 A Probably.</p> <p>22 Q Did you write them?</p> <p>23 A I, I don't recall.</p> <p>24 Q Is that because at this time many of your</p> <p>25 associates could sign your initials to the letters?</p>



<p style="text-align: right;">Page 38</p> <p>1 A I just don't recall.</p> <p>2 Q As of December 2017 were your associates</p> <p>3 permitted to put your initials on your letterhead?</p> <p>4 A At times.</p> <p>5 Q Okay. Did it happen here?</p> <p>6 A I don't recall.</p> <p>7 Q Is that your handwriting?</p> <p>8 A I don't know.</p> <p>9 Q Well, how, how old are you, sir?</p> <p>10 A How old am I?</p> <p>11 Q Yes, sir.</p> <p>12 A I'm 69 years old.</p> <p>13 Q Okay. And do you have any way of telling us</p> <p>14 whether or not that appears to be your initials based</p> <p>15 off the 69 years of looking at your handwriting?</p> <p>16 A It might be. It might not be. It's</p> <p>17 initials.</p> <p>18 Q I see.</p> <p>19 And am I correct that you sent this</p> <p>20 Contingent Fee Agreement to Mr. Poulos on</p> <p>21 December 13th, 2017?</p> <p>22 A I don't know. The letter says December 13th,</p> <p>23 but I don't remember mailing it.</p> <p>24 Q Okay. But do you have folks that put your</p> <p>25 letters and contingent fee agreements in the mail for</p>	<p style="text-align: right;">Page 40</p> <p>1 File 111 to 112. This is Garabedian 112 and 116. Here</p> <p>2 you go.</p> <p>3 (Exhibit 3 marked</p> <p>4 for identification)</p> <p>5 BY MR. JUBB:</p> <p>6 Q What does that appear to be?</p> <p>7 A A request for records.</p> <p>8 Q Okay. What's a request for records?</p> <p>9 A Request to get records.</p> <p>10 Q Great. And it looks like at the top --</p> <p>11 strike that.</p> <p>12 Is it your pattern and practice when you're</p> <p>13 getting a potential client, do you send the Contingent</p> <p>14 Fee Agreement at the same time that you send the</p> <p>15 authorization to get records?</p> <p>16 MR. McCARRON: Objection.</p> <p>17 A Sometimes.</p> <p>18 Q And again, my question is just a little bit</p> <p>19 different. You know, it's -- sometimes is, is -- well,</p> <p>20 I appreciate that that's your answer. I'm just trying</p> <p>21 to figure out what the policy was. So with that as the</p> <p>22 background -- and again, to avoid commentary, I'll</p> <p>23 strike that.</p> <p>24 Did you have a pattern and practice as of</p> <p>25 December of 2017 of sending blank authorizations to</p>
<p style="text-align: right;">Page 39</p> <p>1 you or is that something you handle yourself?</p> <p>2 A Either way.</p> <p>3 Q Well, when was the last time you sealed an</p> <p>4 envelope and sent it to a client?</p> <p>5 A Probably this week.</p> <p>6 Q With a Contingent Fee Agreement?</p> <p>7 A No.</p> <p>8 MR. JUBB: Could you -- we mark this.</p> <p>9 This is going to be Garabedian 3.</p> <p>10 MR. McCARRON: Is this -- these are the</p> <p>11 same, right? Oh, you -- you ...</p> <p>12 MR. JUBB: Oh, I'm sorry.</p> <p>13 MR. McCARRON: That's all right. I</p> <p>14 just ...</p> <p>15 MR. JUBB: I think there's actually a</p> <p>16 couple pages there. Here you go. This is all just</p> <p>17 going to be one. It should have been stapled so I</p> <p>18 apologize.</p> <p>19 I'm marking as Garabedian 3, Garabedian</p> <p>20 112 and Garabedian 116. And just for purposes of the</p> <p>21 record when we read this later, Garabedian Bates is</p> <p>22 different than Garabedian File and Garabedian Email.</p> <p>23 Garabedian refers to those that were produced in the</p> <p>24 initial disclosures, and so I -- I'm only clarifying</p> <p>25 that because the last exhibit was marked as Garabedian</p>	<p style="text-align: right;">Page 41</p> <p>1 potential clients with the Contingent Fee Agreement?</p> <p>2 A Sometimes.</p> <p>3 Q If that were the case would you reference</p> <p>4 that in the cover letter?</p> <p>5 A I don't recall.</p> <p>6 Q Well, at least as of December 15th, 2017 does</p> <p>7 it appear that Mr. Poulos signed authorizations for</p> <p>8 records?</p> <p>9 A Are you referring to Exhibit 3?</p> <p>10 Q I am.</p> <p>11 A Yes.</p> <p>12 Q And this was produced by you so I imagine</p> <p>13 that you received this back; is that fair?</p> <p>14 A I believe so.</p> <p>15 Q Why is it that you wanted the records from</p> <p>16 Shorewood School District and The Hill School as of</p> <p>17 December of 2017?</p> <p>18 A To collect his records.</p> <p>19 Q Were are they important?</p> <p>20 A To review them.</p> <p>21 Q What types of things can you get from</p> <p>22 reviewing the records?</p> <p>23 A Information.</p> <p>24 Q Relevant information?</p> <p>25 A Relevant, yes.</p>

<p style="text-align: right;">Page 42</p> <p>1 Q Like things that could corroborate what</p> <p>2 they're saying?</p> <p>3 A Relevant. Irrelevant.</p> <p>4 Q Well, is the goal of requesting a student's</p> <p>5 records to determine as to whether or not there's other</p> <p>6 evidence to corroborate their claims?</p> <p>7 A The goal is to know the person.</p> <p>8 Q Okay. Am I correct that you wrote the letter</p> <p>9 to The Hill School before you received the records back</p> <p>10 from The Hill School?</p> <p>11 A I don't know.</p> <p>12 Q Do you have any reason to believe that you</p> <p>13 received the records back from The Hill School before</p> <p>14 you wrote The Hill School?</p> <p>15 A I don't know.</p> <p>16 MR. JUBB: This is going to be marked as</p> <p>17 Garabedian 4. This was previously produced as</p> <p>18 Garabedian 114. Here you go, Jeff.</p> <p>19 (Exhibit 4 marked</p> <p>20 for identification)</p> <p>21 Q I've handed you what has been marked as</p> <p>22 Garabedian 4 which is a letter dated April 11th, 2018</p> <p>23 to The Hill School registrar requesting records; is</p> <p>24 that correct?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 44</p> <p>1 MR. JUBB: Just check that out. And</p> <p>2 then on the back is 116 which we've already marked.</p> <p>3 (Pause.)</p> <p>4 Q Am I correct that that's -- what I've handed</p> <p>5 you as Garabedian 115 is identical to Garabedian 114</p> <p>6 which we've marked as well, except for the dates, one</p> <p>7 being January of 2018 and one being April?</p> <p>8 A No.</p> <p>9 Q Okay. I'm not correct?</p> <p>10 A One's redacted.</p> <p>11 Q I see.</p> <p>12 A So it's not identical.</p> <p>13 Q Did you send a letter The Hill School as of</p> <p>14 January 30th, 2018 requesting records?</p> <p>15 A I don't recall.</p> <p>16 Q Well, the records that you produced in this</p> <p>17 case from letters that have your initials on them, are</p> <p>18 those things that you sign and just put in your file</p> <p>19 without going out?</p> <p>20 A I don't understand the question.</p> <p>21 Q Sure. Can you recall an instance of you</p> <p>22 drafting a letter, signing it, and then putting it into</p> <p>23 the file without putting it in the mail?</p> <p>24 A I don't recall.</p> <p>25 Q In other words, you can't recall an instance</p>
<p style="text-align: right;">Page 43</p> <p>1 Q Did you write this?</p> <p>2 A I don't recall.</p> <p>3 Q Are those your initials?</p> <p>4 A I don't know.</p> <p>5 Q Why would there be a request to The Hill</p> <p>6 School on April 11th for records if you already had</p> <p>7 them?</p> <p>8 A I don't know.</p> <p>9 Q You didn't have them, correct?</p> <p>10 A I don't recall.</p> <p>11 Q Well, in -- considering that you've been</p> <p>12 practicing for quite some time and your pattern and</p> <p>13 practice in doing sexual abuse cases, in looking at</p> <p>14 these records seeing a request from -- you know, an</p> <p>15 authorization from December 15th, 2017 and this, which</p> <p>16 is Garabedian 115 which is now going to be marked as</p> <p>17 Garabedian 5 ...</p> <p>18 MR. JUBB: This is my copy so I'll need</p> <p>19 that back.</p> <p>20 THE WITNESS: Do you want it marked?</p> <p>21 MR. JUBB: Yeah, could you mark that as</p> <p>22 an exhibit, please.</p> <p>23 (Exhibit 5 marked</p> <p>24 for identification)</p> <p>25 MR. McCARRON: Hang on. Let me see it.</p>	<p style="text-align: right;">Page 45</p> <p>1 of doing that, correct?</p> <p>2 A I don't understand your question. I'm sorry.</p> <p>3 Q Sure. When you're preparing letters to go</p> <p>4 out for records request or your associates are, do they</p> <p>5 draft those letters up, sign them, and then not send</p> <p>6 them out? Is that the expectation?</p> <p>7 A I don't, I don't know. I don't recall.</p> <p>8 Q Well --</p> <p>9 A I mean I imagine if they, if they -- if the</p> <p>10 letter was completed and signed, it would go out, but</p> <p>11 maybe for some instance, one instance or an instance it</p> <p>12 didn't go out. I don't know.</p> <p>13 Q Do you have any recollection of reviewing</p> <p>14 Mr. Poulos's Hill School File before you wrote that</p> <p>15 letter in April of 2018 to Mr. Lehman?</p> <p>16 A I don't recall.</p> <p>17 Q Nothing comes to mind, correct?</p> <p>18 A I don't recall.</p> <p>19 Q Okay. Can I just have that real quick?</p> <p>20 A (Complies.)</p> <p>21 Q Are those your initials, either, on the</p> <p>22 Garabedian 5?</p> <p>23 A I don't know.</p> <p>24 Q You can't tell if you wrote them or not?</p> <p>25 A No.</p>

<p style="text-align: right;">Page 46</p> <p>1 MR. JUBB: Off the record.  2 (Discussion off the record)  3 MR. JUBB: This is going to be marked as  4 Garabedian 6. It's previously produced as Garabedian  5 71.  6 (Exhibit 6 marked  7 for identification)  8 Q Did you write that letter?  9 A I don't recall.  10 Q Well, that appears to be a letter drafted  11 towards The Hill School, correct?  12 A Correct.  13 Q Were your associates writing those letters  14 back then?  15 A I don't recall.  16 Q Do you have any recollection of actually  17 writing a letter at issue in this case?  18 A I don't recall.  19 Q Based on your pattern and practice can you  20 even tell us whether or not you wrote that letter?  21 A I don't know.  22 Q Is that because your associates write letters  23 for you like this?  24 A I don't know.  25 Q Do your associates write letters for you like</p>	<p style="text-align: right;">Page 48</p> <p>1 isn't it?  2 A Yes.  3 Q Well, when you write a letter wouldn't it be  4 Dear Mr. Lehman, not Dear Attorney Soto?  5 A Yes.  6 Q Okay. And so am I correct that this letter  7 that was prepared and has your initials on it was  8 actually directed from a -- strike that.  9 Am I correct that that letter, Garabedian 71  10 and 72, has Dear Attorney Soto on there, and there's no  11 Soto that you were trying to send this letter to?  12 A I don't know.  13 Q Do you just have like a form letter that goes  14 out with demands?  15 A No.  16 Q Do your associates just copy and like do a  17 Mad Lib for demand letters?  18 A Do a what?  19 Q A Mad Lib. Do you know what a Mad Lib is?  20 A No.  21 Q It's like a fill-in-the-blank.  22 A No.  23 Q So this letter "Dear Attorney Soto", somebody  24 actually wrote that in by mistake. That wasn't already  25 there, right?</p>
<p style="text-align: right;">Page 47</p> <p>1 this?  2 A Sometimes.  3 Q Did they write this one?  4 A I don't recall.  5 Q Well, in other words, they write letters for  6 you so often that you, you can't determine in looking  7 at this whether or not you actually wrote this; is that  8 right?  9 MR. McCARRON: Objection.  10 A No. I just don't recall whether I wrote this  11 or not.  12 Q Okay. Look who it -- who -- look at --  13 strike that.  14 At the top it says: Dear Attorney Soto. Do  15 you see that?  16 A Yes.  17 Q There's no Soto involved here is there?  18 A I don't know.  19 Q Well, in looking at this file and  20 understanding how serious these allegations are against  21 you did you see anywhere where a Mr. Soto was involved  22 here?  23 MR. McCARRON: Objection.  24 A I don't recall.  25 Q Okay. Well, it's addressed to Mr. Lehman,</p>	<p style="text-align: right;">Page 49</p> <p>1 A I don't know.  2 Q How many people have the authority to draft  3 demand letters on your behalf?  4 A I don't know. I mean the people who work for  5 me. So it depends how many people are working for me.  6 Q So five to ten people can actually draft  7 demand letters on your behalf, correct?  8 A Well ... yeah.  9 Q And that was true as of April 2018, correct?  10 A I don't know.  11 Q Do you know an Attorney Soto?  12 A Not off the top of my head.  13 Q Do you have any recollection of actually  14 reviewing this letter?  15 A No.  16 Q Do you have any way of telling us, based off  17 your pattern and practice, that you actually reviewed  18 this letter?  19 A No.  20 MR. JUBB: Here you go, Jeff.  21 I'm marking -- Garabedian 7 is Hill 219,  22 also marked as P16.219-220.  23 (Exhibit 7 marked  24 for identification)  25 Q Have you seen that letter before today?</p>

<p style="text-align: right;">Page 50</p> <p>1 A I don't recall.</p> <p>2 Q So it's dated April 2018. Do you see that?</p> <p>3 A Dated April 11, 2018?</p> <p>4 Q Yes, sir.</p> <p>5 A Yes.</p> <p>6 Q All right.</p> <p>7 MR. McCARRON: Can I just interrupt you</p> <p>8 for a second?</p> <p>9 MR. JUBB: Sure.</p> <p>10 MR. McCARRON: The last exhibit, 6, --</p> <p>11 MR. JUBB: Yes.</p> <p>12 MR. McCARRON: -- Garabedian 6, I just</p> <p>13 want to make sure. It's -- you're -- you intended to</p> <p>14 make it a single page so it's one page of a longer</p> <p>15 letter. Is that the idea? Or a longer document.</p> <p>16 MR. JUBB: It's the two -- it's just the</p> <p>17 front page because we were just going over the front of</p> <p>18 it. It's 71. And 72 is the other side of it. I have</p> <p>19 it, but for purposes of the exhibit it's -- it need not</p> <p>20 have two pages, unless you want two pages which I can</p> <p>21 provide.</p> <p>22 MR. McCARRON: Well, I'm just making</p> <p>23 sure that the record is clear that the exhibit itself</p> <p>24 is a single page, Garabedian ...</p> <p>25 MR. JUBB: 71.</p>	<p style="text-align: right;">Page 52</p> <p>1 sides.</p> <p>2 MR. McCARRON: All right. Can I just</p> <p>3 have that as a placeholder?</p> <p>4 MR. JUBB: Sure.</p> <p>5 MR. McCARRON: Thank you.</p> <p>6 THE WITNESS: So do we take this out?</p> <p>7 MR. JUBB: Mm-hmm. Thank you.</p> <p>8 MR. McCARRON: Yeah, we're going to</p> <p>9 swap. Let me just see, if I could. I'm sorry.</p> <p>10 This -- we're -- let me just see this one. Yeah, okay.</p> <p>11 THE WITNESS: Thank you.</p> <p>12 MR. McCARRON: There you go.</p> <p>13 THE WITNESS: Thank you.</p> <p>14 BY MR. JUBB:</p> <p>15 Q So, Mr. Garabedian, you have in front of you</p> <p>16 Garabedian 7 which is Hill 219 and 220. Do you see</p> <p>17 that?</p> <p>18 A Yes.</p> <p>19 Q All right. And my last question to you was</p> <p>20 have you ever seen this before, and you couldn't</p> <p>21 recall, correct?</p> <p>22 A Correct.</p> <p>23 Q The date is April 11th, 2018, correct?</p> <p>24 A Yes.</p> <p>25 Q And is it your testimony that from</p>
<p style="text-align: right;">Page 51</p> <p>1 MR. McCARRON: ... 71 which doesn't have</p> <p>2 the balance of the document.</p> <p>3 MR. JUBB: Do you want the balance of</p> <p>4 the document, for the record?</p> <p>5 MR. McCARRON: Not necessarily.</p> <p>6 MR. JUBB: Okay.</p> <p>7 MR. McCARRON: I just want to make sure</p> <p>8 that there's no misunderstanding that the, that the</p> <p>9 exhibit that you used is a single page, and you</p> <p>10 intended to do that.</p> <p>11 MR. JUBB: Here. Let's use this as a</p> <p>12 substituted Exhibit 6, so now it's 71 and 72, so it's</p> <p>13 both sides, okay?</p> <p>14 MR. McCARRON: Okay. So we're going to</p> <p>15 swap that out for Exhibit 6?</p> <p>16 MR. JUBB: Yeah, just because --</p> <p>17 MR. McCARRON: Okay.</p> <p>18 MR. JUBB: -- you're saying that that</p> <p>19 was just one-sided so this --</p> <p>20 MR. McCARRON: Well, it is, right?</p> <p>21 MR. JUBB: Yeah, this one is.</p> <p>22 MR. McCARRON: Okay.</p> <p>23 MR. JUBB: This one is one-sided that</p> <p>24 was produced and marked as Garabedian 6. So let's put</p> <p>25 this one as Garabedian 6 just because that has two</p>	<p style="text-align: right;">Page 53</p> <p>1 April 11th, 2018 to present you don't recall looking at</p> <p>2 that letter?</p> <p>3 A I don't remember. I'm sorry.</p> <p>4 Q Do you have any recollection of actually</p> <p>5 discussing this letter with Mr. Poulos?</p> <p>6 A No.</p> <p>7 Q Did you ever provide Mr. Poulos a copy of</p> <p>8 this letter?</p> <p>9 A I don't believe so.</p> <p>10 Q Did you ever tell Mr. Poulos that you were</p> <p>11 going to send this letter?</p> <p>12 A But I'm not sure.</p> <p>13 Excuse me?</p> <p>14 Q Did you ever tell Mr. Poulos that you were</p> <p>15 going to send this letter?</p> <p>16 A I don't recall.</p> <p>17 Q Well, based on your pattern and practice of</p> <p>18 how you did things would you have told Mr. Poulos that</p> <p>19 you were going to send this letter?</p> <p>20 A It depends on the case.</p> <p>21 Q How so?</p> <p>22 MR. McCARRON: All right. Why don't we</p> <p>23 have a full question.</p> <p>24 Q How does it depend on the case, sir?</p> <p>25 A Well, some clients are more fragile than</p>

<p style="text-align: right;">Page 54</p> <p>1 other clients.</p> <p>2 Q Based off your recollection did you believe</p> <p>3 that Mr. Poulos was more fragile than most clients?</p> <p>4 A He was extremely fragile.</p> <p>5 Q Okay. And so your -- strike that.</p> <p>6 Based off that do you believe that you wrote</p> <p>7 this letter without telling him you were going to do</p> <p>8 it?</p> <p>9 A I don't recall. I mean ...</p> <p>10 Q In other words, it's possible that you wrote</p> <p>11 this letter without actually informing Mr. Poulos that</p> <p>12 you did, correct?</p> <p>13 A I don't know.</p> <p>14 Q Well, if you don't recall doing it am I</p> <p>15 correct it's possible that you drafted this letter,</p> <p>16 sent it to the school without Mr. Poulos knowing about</p> <p>17 it?</p> <p>18 A Anything's possible.</p> <p>19 Q Okay. Based off how you did things is it</p> <p>20 possible?</p> <p>21 A I don't know.</p> <p>22 Q Do you -- as you sit here do you have any</p> <p>23 reason to believe that you actually provided -- strike</p> <p>24 that.</p> <p>25 As you sit here do you have any reason to</p>	<p style="text-align: right;">Page 56</p> <p>1 Q You probably have a recollection of speaking</p> <p>2 with Mr. Poulos?</p> <p>3 A No. I, I, I probably notified him that I, I</p> <p>4 was going to send the letter.</p> <p>5 Q Okay.</p> <p>6 A But I don't specifically remember.</p> <p>7 Q And did you tell him that you were going to</p> <p>8 send this letter to Mr. Lehman?</p> <p>9 A I don't remember.</p> <p>10 Q Did you tell him you were going to demand a</p> <p>11 million dollars?</p> <p>12 A I don't remember.</p> <p>13 Q Doesn't -- did -- at the time did you believe</p> <p>14 you had an obligation to confirm with your client as to</p> <p>15 what his demands would be?</p> <p>16 MR. McCARRON: Objection.</p> <p>17 A Well, I, I speak to the client about that.</p> <p>18 But you're asking me if I specifically remember and</p> <p>19 I -- with regard to Mr. Poulos, and I do not</p> <p>20 specifically remember.</p> <p>21 Q All right. Well, based on your pattern and</p> <p>22 practice of doing things back then -- well, first of</p> <p>23 all, as we sit here did you write this letter?</p> <p>24 A I don't recall.</p> <p>25 Q Is that because you write so many of these</p>
<p style="text-align: right;">Page 55</p> <p>1 believe that Mr. Poulos was aware that you were going</p> <p>2 to send this letter to the school?</p> <p>3 A Well, I would notify the client that I am</p> <p>4 sending a notice letter to the school.</p> <p>5 Q Okay. And so is that based on how you did</p> <p>6 things in April 2018?</p> <p>7 A Yes.</p> <p>8 Q All right. So do you believe that you told</p> <p>9 Mr. Poulos that you were going to send this letter to</p> <p>10 the school?</p> <p>11 A I don't know. I don't remember telling -- I</p> <p>12 don't remember talking to him about it.</p> <p>13 Q When you speak with clients yourself do you</p> <p>14 take notes?</p> <p>15 A Sometimes.</p> <p>16 Q When you have a conversation with a client</p> <p>17 about taking some sort of action do you document that</p> <p>18 and confirm their approval in writing?</p> <p>19 A Not necessarily.</p> <p>20 Q Do you have any recollection whatsoever of</p> <p>21 speaking with Mr. Poulos that you were going to be</p> <p>22 sending this letter The Hill School?</p> <p>23 A Specifically, no.</p> <p>24 Q What about generally?</p> <p>25 A Probably.</p>	<p style="text-align: right;">Page 57</p> <p>1 letters it's tough to keep track?</p> <p>2 MR. McCARRON: Objection.</p> <p>3 A I just have -- I do a lot of work. I have a</p> <p>4 lot of clients, and I specifically don't recall. I'm</p> <p>5 sorry.</p> <p>6 Q Look at the back of this. Is that your</p> <p>7 initial, please.</p> <p>8 A I don't know.</p> <p>9 Q Is there any way for you to tell us as to</p> <p>10 whether or not that's actually your handwriting?</p> <p>11 A I don't know.</p> <p>12 Q What about the language used in the, in the</p> <p>13 letter, is that something that sounds like you?</p> <p>14 A I don't know.</p> <p>15 Q The letter was drafted to the headmaster,</p> <p>16 correct?</p> <p>17 A Yes.</p> <p>18 Q Question for you. When you get mail, I mean</p> <p>19 with 500 cases, how much mail do you get a day?</p> <p>20 A Sometimes a little. Sometimes a lot.</p> <p>21 Q Do you have a practice in place at the firm</p> <p>22 where somebody's opening the mail for you?</p> <p>23 A It's not a practice. Someone will just open</p> <p>24 the mail. Sometimes it's me and sometimes it's someone</p> <p>25 else.</p>

<p style="text-align: right;">Page 58</p> <p>1 Q All right. And you sent this to Mr. Lehman</p> <p>2 as the headmaster, correct?</p> <p>3 A Apparently.</p> <p>4 Q And when you sent this to Mr. Lehman as the</p> <p>5 headmaster did you consider as to whether or not a guy</p> <p>6 like him who's, who's pretty busy if he's going to be</p> <p>7 opening the mail himself or if maybe he has somebody in</p> <p>8 his office who's going to be opening it?</p> <p>9 A No.</p> <p>10 Q You didn't give consideration to that?</p> <p>11 A No.</p> <p>12 Q That would be pretty reasonable for a</p> <p>13 headmaster of a, a prominent boarding school to have</p> <p>14 somebody opening his mail, correct?</p> <p>15 A I don't know.</p> <p>16 MR. McCARRON: Objection.</p> <p>17 Q You don't know?</p> <p>18 A No.</p> <p>19 Q Can you tell me whether or not as you sit</p> <p>20 here today you believe that one of your associates</p> <p>21 wrote this?</p> <p>22 A I don't know.</p> <p>23 Q Did you ask them?</p> <p>24 A I don't recall.</p> <p>25 Q So when you got sued, you didn't ask any of</p>	<p style="text-align: right;">Page 60</p> <p>1 7, and I also showed you Garabedian 6 which was</p> <p>2 directed to Dear Attorney Soto. This one's to Dear</p> <p>3 Mr. Lehman. Both of them have your initials on them.</p> <p>4 Can you explain that for us?</p> <p>5 A No.</p> <p>6 Q You're -- with 500 cases that you've</p> <p>7 maintained for five to ten years do you have an</p> <p>8 electronic document retention system?</p> <p>9 A No.</p> <p>10 Q In other --</p> <p>11 A I don't know what you mean. I'm sorry.</p> <p>12 Q Sure. I'm happy to clarify.</p> <p>13 Do you retain documents electronically as</p> <p>14 they pertain to case files?</p> <p>15 A Some.</p> <p>16 Q So, for example, you file a complaint.</p> <p>17 There's proceedings. There's motions. There's</p> <p>18 discovery requests. There's motions to compel, the</p> <p>19 jury instructions. You name it. Well, not jury</p> <p>20 instructions. But you maintain that in the computer,</p> <p>21 correct?</p> <p>22 A Sure.</p> <p>23 Q All right. And when you do that do you</p> <p>24 create some sort of a file number?</p> <p>25 A Folders. Excuse me.</p>
<p style="text-align: right;">Page 59</p> <p>1 your associates who wrote this letter?</p> <p>2 A No.</p> <p>3 Q How many times have you been sued?</p> <p>4 MR. McCARRON: Objection.</p> <p>5 A One other time.</p> <p>6 Q When was that?</p> <p>7 MR. McCARRON: Objection.</p> <p>8 A Last year.</p> <p>9 Q Did you ever appear for a deposition yet?</p> <p>10 A When?</p> <p>11 Q In that case.</p> <p>12 A No.</p> <p>13 Q Am I correct -- strike that.</p> <p>14 Other than today, how many depositions have</p> <p>15 you ever sat for?</p> <p>16 MR. McCARRON: Objection.</p> <p>17 A One.</p> <p>18 Q And when was that?</p> <p>19 A It was about 40 years ago.</p> <p>20 Q Forty?</p> <p>21 A (Nodded.)</p> <p>22 Q Did that have anything to do with you being</p> <p>23 named as a defendant in a lawsuit?</p> <p>24 A No.</p> <p>25 Q So we see this one here which is Garabedian</p>	<p style="text-align: right;">Page 61</p> <p>1 Q Folders?</p> <p>2 A Yeah.</p> <p>3 Q Am I correct there was no folder made in this</p> <p>4 case?</p> <p>5 A I don't know.</p> <p>6 Q Did you look?</p> <p>7 A No.</p> <p>8 Q Oh. Did anyone from your office look?</p> <p>9 A I don't know.</p> <p>10 Q *Is it possible that there's a folder that</p> <p>11 exists in this case with electronic documents that</p> <p>12 haven't been produced?</p> <p>13 A *I don't know.</p> <p>14 Q Did you have any involvement whatsoever in --</p> <p>15 THE WITNESS: Oh, excuse me. Can you</p> <p>16 repeat that last question.</p> <p>17 (*Record read)</p> <p>18 A We produced the whole file. I mean ...</p> <p>19 Q Okay. And how do you know that?</p> <p>20 A Because we had it copied.</p> <p>21 Q All right. And it was electronic form; is</p> <p>22 that correct? Or was it not electronic form?</p> <p>23 A I don't know.</p> <p>24 Q Well, did you look at some of your</p> <p>25 handwritten notes that were on a yellow pad?</p>



<p style="text-align: right;">Page 62</p> <p>1 A Yes.</p> <p>2 Q And were those notes something that routinely</p> <p>3 are scanned into the computer system?</p> <p>4 A No.</p> <p>5 Q They're maintained in a hard copy file; is</p> <p>6 that right?</p> <p>7 A Yes.</p> <p>8 Q If -- for contingent fee cases --</p> <p>9 A Pleadings are usually electronically stored.</p> <p>10 Q All right. At any point in time did your</p> <p>11 office assign a file number to Mr. Poulos?</p> <p>12 A No.</p> <p>13 Q When you're acting as a contingent fee lawyer</p> <p>14 am I correct that in addition to your attorney's fees</p> <p>15 which is a certain percentage, you also get</p> <p>16 reimbursement for the costs that are associated with</p> <p>17 the file?</p> <p>18 A Yes.</p> <p>19 Q And in order to do that you have to keep an</p> <p>20 accurate accounting of things such as deposition fees,</p> <p>21 court reporter's fees, printing fees, things of that</p> <p>22 nature, correct?</p> <p>23 A Yes.</p> <p>24 Q Is that something that's maintained</p> <p>25 electronically?</p>	<p style="text-align: right;">Page 64</p> <p>1 A Yes.</p> <p>2 Q What were the costs associated with</p> <p>3 Mr. Poulos's case?</p> <p>4 A I don't know.</p> <p>5 Q He didn't have any, did he?</p> <p>6 A Excuse me?</p> <p>7 Q He didn't have any, did he?</p> <p>8 A Well, I, I had to collect records so there,</p> <p>9 there are costs associated there.</p> <p>10 Q I didn't see any bills that were produced.</p> <p>11 Did you provide them to your counsel?</p> <p>12 A I don't know.</p> <p>13 Q Well, if they were in the file you would have</p> <p>14 provided them to your counsel, right?</p> <p>15 A Well, they're kept in a separate file in a</p> <p>16 billing folder so ...</p> <p>17 Q So there might be billing folders related to</p> <p>18 Mr. Poulos's case too, right?</p> <p>19 A There could be.</p> <p>20 Q And that's maintained in hard copy form?</p> <p>21 A Yes.</p> <p>22 Q Okay. In your office?</p> <p>23 A Yes.</p> <p>24 Q Do you have any recollection of reviewing</p> <p>25 those at all?</p>
<p style="text-align: right;">Page 63</p> <p>1 A No.</p> <p>2 Q You have an accountant break that all down by</p> <p>3 hand?</p> <p>4 A Well, it's put in a folder.</p> <p>5 Q Well, what's put in folder?</p> <p>6 A The bill.</p> <p>7 Q So when a case resolves you -- at the end of</p> <p>8 that case you go through all of the bills and then add</p> <p>9 it up?</p> <p>10 A Yeah. Yes.</p> <p>11 Q In other words, for the 500 cases that you</p> <p>12 have, you don't believe that if I were to ask you</p> <p>13 what's the cost on this case, you couldn't determine</p> <p>14 that for us?</p> <p>15 A No. But excuse me, it could be 500. It</p> <p>16 could be 400. It varies so. You keep saying 500. It</p> <p>17 could be more or less.</p> <p>18 Q Okay. Well, approximately 500 --</p> <p>19 A Yeah.</p> <p>20 Q -- I think is where we landed, right.</p> <p>21 So in all of those, right now if I were to</p> <p>22 say what are the costs associated with this file we're</p> <p>23 trying to resolve it, you would actually have to go</p> <p>24 into the hard copy file, pull out all the bills and get</p> <p>25 out a calculator?</p>	<p style="text-align: right;">Page 65</p> <p>1 A No.</p> <p>2 Q Did any of your -- strike that.</p> <p>3 Do you have any recollection yourself of</p> <p>4 personally producing the files in this case or was that</p> <p>5 handled by one of your associates?</p> <p>6 A The copying, they were cop -- the files were</p> <p>7 copied by I believe the copying center.</p> <p>8 Q Like a separate copying center?</p> <p>9 A Yeah.</p> <p>10 Q In other words, the hard copy file was sent</p> <p>11 to a copying center, then they put everything into the</p> <p>12 system and then that made it electronic; is that right?</p> <p>13 A No, they just copied it for me.</p> <p>14 Q Okay. Well, at some point you provided that</p> <p>15 to your counsel, correct?</p> <p>16 A Provided what?</p> <p>17 Q The, the documents that were responsive to</p> <p>18 the discovery requests and the disclosures, correct?</p> <p>19 A Yes.</p> <p>20 Q Okay. Did you review those documents before</p> <p>21 producing them to counsel?</p> <p>22 A No.</p> <p>23 Q In other words, whatever was in Mr. Poulos's</p> <p>24 file you sent to the copy center, they made copies and</p> <p>25 gave the copies back to you; is that right?</p>



<p style="text-align: right;">Page 66</p> <p>1 A Yeah, I believe so.</p> <p>2 Q And you still have the original file,</p> <p>3 correct?</p> <p>4 A Yes.</p> <p>5 Q When was the last time you believe -- strike</p> <p>6 that.</p> <p>7 I understand your testimony to be that</p> <p>8 between April 11th, 2018 to present you can't recall</p> <p>9 actually reading this letter, correct?</p> <p>10 A Yes.</p> <p>11 Q As you sit here do you believe you reviewed</p> <p>12 this letter before it was sent?</p> <p>13 A I don't recall.</p> <p>14 Q My question was a bit different.</p> <p>15 As you sit here do you believe that you</p> <p>16 reviewed this letter before it was sent?</p> <p>17 A I don't know.</p> <p>18 Q Do you -- strike that.</p> <p>19 As of April 2018 did you believe that, that</p> <p>20 you had an obligation to review letters for accuracy</p> <p>21 before sending them out?</p> <p>22 MR. McCARRON: Objection.</p> <p>23 A Someone in my office read them.</p> <p>24 Q Do you believe that someone other than you</p> <p>25 was the person who wrote this letter?</p>	<p style="text-align: right;">Page 68</p> <p>1 Q But there's also a chance you didn't?</p> <p>2 A Well, I think I did.</p> <p>3 Q Okay. In preparing these types of letters,</p> <p>4 whether it's you or your associates, at the time would</p> <p>5 you have done your best to make sure -- strike that.</p> <p>6 In sending these types of letters do you</p> <p>7 believe that you had any obligation to make sure that</p> <p>8 the information in there was accurate?</p> <p>9 MR. McCARRON: Objection.</p> <p>10 A Yes.</p> <p>11 Q Why is that?</p> <p>12 A For the sake of accuracy.</p> <p>13 Q Why is accuracy important when it comes to</p> <p>14 letters like this?</p> <p>15 A It's facts.</p> <p>16 Q And if those facts are wrong, that's going to</p> <p>17 be a problem, right?</p> <p>18 MR. McCARRON: Objection. Don't answer</p> <p>19 that.</p> <p>20 Q Do you take into consideration as to whether</p> <p>21 or not you put something in a letter that's untrue that</p> <p>22 it could potentially cause a problem?</p> <p>23 MR. McCARRON: Objection.</p> <p>24 A We try to be accurate.</p> <p>25 Q Is that because when you're not accurate that</p>
<p style="text-align: right;">Page 67</p> <p>1 A I have no idea.</p> <p>2 Q But as you sit here, you can't tell us one</p> <p>3 way or the other if it was you or somebody else; is</p> <p>4 that right?</p> <p>5 A That's right. Yes.</p> <p>6 Q Let me back up.</p> <p>7 Do you have any idea where the information</p> <p>8 that was put into this letter pertaining to Mr. Poulos</p> <p>9 came from?</p> <p>10 A I don't recall.</p> <p>11 Q Do you have any recollection of actually</p> <p>12 speaking with Mr. Poulos?</p> <p>13 A I believe I did.</p> <p>14 Q Okay. Tell me what you can recall about</p> <p>15 speaking with Mr. Poulos before you sent this letter.</p> <p>16 A I don't recall speaking to him. I just</p> <p>17 believe I did.</p> <p>18 Q In other words, as you sit here today you</p> <p>19 have no recollection of that discussion with</p> <p>20 Mr. Poulos?</p> <p>21 A Correct.</p> <p>22 Q And can you tell us why you believe you did?</p> <p>23 A I, I don't know.</p> <p>24 Q Is there a chance you didn't?</p> <p>25 A I don't know. I believe I did.</p>	<p style="text-align: right;">Page 69</p> <p>1 can lead to potential problems down the road?</p> <p>2 MR. McCARRON: Objection.</p> <p>3 A We just try to be accurate.</p> <p>4 Q Does your staff -- strike that.</p> <p>5 Have you personally ever written a letter</p> <p>6 like this --</p> <p>7 A Probably.</p> <p>8 Q -- that you can recall?</p> <p>9 A Probably but I don't recall.</p> <p>10 Q All right. So if I said to you when was the</p> <p>11 last time you personally drafted a letter making a</p> <p>12 demand before a lawsuit was filed can you give me a</p> <p>13 timeframe?</p> <p>14 A Before Covid.</p> <p>15 Q And when you wrote that letter did you</p> <p>16 appreciate the person to which it was being directed,</p> <p>17 their position?</p> <p>18 MR. McCARRON: Objection.</p> <p>19 A I don't know. I'm sorry. I don't understand</p> <p>20 your question.</p> <p>21 Q Sure. When you wrote that letter do you</p> <p>22 recall if it was to an attorney?</p> <p>23 A I don't know.</p> <p>24 Q Was it related to something having to do with</p> <p>25 the church?</p>

<p style="text-align: right;">Page 70</p> <p>1 MR. McCARRON: I think I'm, I think I'm</p> <p>2 confused. Are you referring to something other than</p> <p>3 Exhibit 7, right, now? That just occurred to me.</p> <p>4 MR. JUBB: I think so.</p> <p>5 MR. McCARRON: So you're talking about</p> <p>6 what the last time last that Mr. -- the last occasion</p> <p>7 Mr. Garabedian recalls sending or drafting a letter?</p> <p>8 MR. JUBB: Letter like this making a</p> <p>9 demand before he ever filed a suit.</p> <p>10 Q And I believe your testimony was before</p> <p>11 Covid, right?</p> <p>12 A Yeah.</p> <p>13 Q How long before Covid?</p> <p>14 A I don't remember.</p> <p>15 Q Do you believe that you personally wrote a</p> <p>16 letter making a demand before a lawsuit was filed</p> <p>17 within the last three years?</p> <p>18 A I don't know.</p> <p>19 Q When you are -- strike that.</p> <p>20 Why is it that your associates don't have</p> <p>21 their own letterhead, that they can write letters by</p> <p>22 themselves?</p> <p>23 A I don't know.</p> <p>24 Q Can any of them do that?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 72</p> <p>1 A No.</p> <p>2 Q Why?</p> <p>3 A I don't know.</p> <p>4 Q Is it because if the letter comes from you,</p> <p>5 it might have a little bit more thrust, if you will?</p> <p>6 A No, it might be because if they're signing a</p> <p>7 letter I'm not seeing it.</p> <p>8 Q I'm sorry. I thought you said that there was</p> <p>9 a, there was a policy in place that your associates</p> <p>10 were not allowed to draft letters like this?</p> <p>11 A Oh, like that. I'm sorry. I thought you</p> <p>12 were talking generally.</p> <p>13 Q Okay.</p> <p>14 A I'm, I'm a little confused.</p> <p>15 Q Let's clarify.</p> <p>16 So am I correct that generally speaking, you</p> <p>17 do allow associates to write letters signing their own</p> <p>18 name, right?</p> <p>19 A I believe so. I'm not sure if they do or</p> <p>20 they don't. I think they do.</p> <p>21 Q Okay. So whatever amount of associates you</p> <p>22 have, you think some of them are writing letters</p> <p>23 signing their own names?</p> <p>24 A Possibly.</p> <p>25 Q Possibly, okay.</p>
<p style="text-align: right;">Page 71</p> <p>1 Q Okay. So they actually have their own</p> <p>2 letterhead on it, fair enough?</p> <p>3 A I don't understand you.</p> <p>4 Q Sure. Do you allow your associates to write</p> <p>5 letters signing their own name?</p> <p>6 A No.</p> <p>7 Q In other words, all of the attorneys that are</p> <p>8 working for you on all these files, every letter comes</p> <p>9 from your letterhead with your name at the bottom,</p> <p>10 right?</p> <p>11 A I don't know.</p> <p>12 Q Well, your attorneys are not permitted to</p> <p>13 draft letters on their own personal letterhead or sign</p> <p>14 their own name, correct?</p> <p>15 A I don't know.</p> <p>16 Are you referring to demand letters like this</p> <p>17 or are you referring to letters in general? I'm not</p> <p>18 sure.</p> <p>19 Q Let's go general first because that's the way</p> <p>20 my question was phrased.</p> <p>21 A Yeah, I don't know.</p> <p>22 Q As you sit here today can you recall any</p> <p>23 letter in the last, I don't know, five years that you</p> <p>24 recall seeing being signed off by an associate or</p> <p>25 somebody not you?</p>	<p style="text-align: right;">Page 73</p> <p>1 And have any of them ever had cases by</p> <p>2 themselves?</p> <p>3 A No.</p> <p>4 Q Have any of them ever -- strike that.</p> <p>5 Have any of them ever sent a demand letter of</p> <p>6 any kind with their name on it instead of yours?</p> <p>7 A I don't believe so.</p> <p>8 Q As you sit here today are there instances</p> <p>9 where letters are sent by your associates with your</p> <p>10 name at the bottom that you haven't seen?</p> <p>11 A I don't know.</p> <p>12 Q Do you let your associates take depositions?</p> <p>13 A Bill Gordon takes a lot of depositions from</p> <p>14 my office.</p> <p>15 Q Anybody else?</p> <p>16 A No. I should say when there are depositions</p> <p>17 to be taken. Sometimes there just aren't depositions</p> <p>18 to be taken so no one's taking them.</p> <p>19 Q The majority of your cases do they involve</p> <p>20 depositions?</p> <p>21 A I can't answer that. I don't know.</p> <p>22 Q In other words, you get this potential case,</p> <p>23 and you're actually able to, to get settlements without</p> <p>24 ever having anybody appear for a deposition?</p> <p>25 A Yes.</p>

<p style="text-align: right;">Page 74</p> <p>1 Q More often than not?</p> <p>2 A I don't know.</p> <p>3 Q Well, you know, think about it for a second.</p> <p>4 More often than not can you actually just resolve a</p> <p>5 case without having anybody appear for a deposition?</p> <p>6 A Yes. Well, it's, it's a tough answer --</p> <p>7 tough question to answer because you have like the</p> <p>8 State of New York where they've lifted the statute of</p> <p>9 limitations and you're given a window or New Jersey</p> <p>10 where they have a window, a look-back window, or</p> <p>11 California or many states who've amended their statute</p> <p>12 of limitations. Those cases could be in litigation,</p> <p>13 and there could be depositions being taken.</p> <p>14 Q I'm not following. What does that have</p> <p>15 anything to do with whether or not you actually have</p> <p>16 more cases than not that can actually come to a</p> <p>17 resolution without anybody ever appearing for a</p> <p>18 deposition?</p> <p>19 A Well, I guess that's why I don't know because</p> <p>20 in those cases there could be a deposition.</p> <p>21 Q Okay. Do you represent your clients in</p> <p>22 depositions?</p> <p>23 A Yes.</p> <p>24 Q And does any of your associates -- strike</p> <p>25 that.</p>	<p style="text-align: right;">Page 76</p> <p>1 MR. McCARRON: There may not have been a</p> <p>2 problem with the question, but I didn't follow.</p> <p>3 MR. JUBB: No problem.</p> <p>4 MR. McCARRON: Thank you.</p> <p>5 BY MR. JUBB:</p> <p>6 Q Mr. Gar -- strike that.</p> <p>7 Mr. Garabedian, when was the last time that</p> <p>8 you can recall drafting a letter making a demand before</p> <p>9 litigation had commenced where the statute of</p> <p>10 limitation had already expired?</p> <p>11 A Probably this year.</p> <p>12 Q And was that to some sort of church?</p> <p>13 A School. Church. Institution.</p> <p>14 Q And so this year you actually wrote a letter</p> <p>15 to a school demanding money for a potential claim for a</p> <p>16 case that could not be brought; is that right?</p> <p>17 A I don't know.</p> <p>18 Q Well, when the statute of limitations is</p> <p>19 expired am I correct that you cannot bring a claim?</p> <p>20 MR. McCARRON: Objection.</p> <p>21 A No, I --</p> <p>22 MR. McCARRON: That's not actually a</p> <p>23 true statement so why would you ask that question.</p> <p>24 MR. JUBB: Well, let me, let me clarify.</p> <p>25 MR. McCARRON: Or I should say please</p>
<p style="text-align: right;">Page 75</p> <p>1 Do any of your associates ever represent</p> <p>2 clients at depositions?</p> <p>3 A Bill Gordon.</p> <p>4 Q Bill Gordon. Is Mr. Gordon a more senior</p> <p>5 attorney?</p> <p>6 A Yes.</p> <p>7 Q How long has he been with you?</p> <p>8 A About 35 years.</p> <p>9 Q Have you discussed Mr. Poulos's case with</p> <p>10 Mr. Gordon at all?</p> <p>11 A I don't recall. I, I settle a lot of cases</p> <p>12 without any depositions being taken.</p> <p>13 Q I see. And tell me, in those cases that you</p> <p>14 can resolve without having to take any depositions do</p> <p>15 you file a complaint?</p> <p>16 A Sometimes. Sometimes not.</p> <p>17 Q When was the last time that you drafted a</p> <p>18 letter demanding money for potential claims where the</p> <p>19 statute of limitations had been blown or expired?</p> <p>20 MR. McCARRON: Pardon me. Can you re --</p> <p>21 either have the -- could you either read that back or</p> <p>22 could you -- or you can ask it again.</p> <p>23 MR. JUBB: I'll rephrase it, yeah.</p> <p>24 MR. McCARRON: It's up to you.</p> <p>25 MR. JUBB: I'll ask it again.</p>	<p style="text-align: right;">Page 77</p> <p>1 don't ask that question.</p> <p>2 Q Have you ever had a complaint filed where the</p> <p>3 statute of limitations had been expired by more than</p> <p>4 five years?</p> <p>5 A No.</p> <p>6 Q And I guess the question is do you consider a</p> <p>7 case to be viable so long as a court hasn't thrown it</p> <p>8 out yet?</p> <p>9 MR. McCARRON: Objection. Try again.</p> <p>10 Q So the statute of limitations is a defense,</p> <p>11 correct?</p> <p>12 A Yes.</p> <p>13 Q All right. And so that --</p> <p>14 MR. McCARRON: Objection. Go ahead.</p> <p>15 Q -- that defense that could be raised, that's</p> <p>16 raised legally after you file a complaint, correct?</p> <p>17 A Yes.</p> <p>18 Q All right. And when that happens am I</p> <p>19 correct that if the statute of limitations is expired</p> <p>20 that a judge can throw it out?</p> <p>21 MR. McCARRON: Objection.</p> <p>22 A Yes.</p> <p>23 Q All right.</p> <p>24 MR. McCARRON: Well, "throw it out" is</p> <p>25 not a term of art, to my knowledge, and -- rule of</p>

<p style="text-align: right;">Page 78</p> <p>1 procedure so ...</p> <p>2 MR. JUBB: Sure.</p> <p>3 Q You knew what I meant when I said throw it</p> <p>4 out, correct?</p> <p>5 A Well, can you repeat the question?</p> <p>6 Q Sure. When you file a complaint -- strike</p> <p>7 that.</p> <p>8 Am I correct that when the statute of</p> <p>9 limitations defense is raised in a case -- the statute</p> <p>10 of limitations has expired on a case that a court will</p> <p>11 dismiss that complaint?</p> <p>12 MR. McCARRON: Objection.</p> <p>13 A Yes.</p> <p>14 Q Can you recall the last time that you had a</p> <p>15 case dismissed because a judge said the statute of</p> <p>16 limitations had been expired?</p> <p>17 MR. McCARRON: Objection.</p> <p>18 A One in Connecticut about two, three years</p> <p>19 ago.</p> <p>20 Q Was that against a private entity or was that</p> <p>21 against a church? What was that?</p> <p>22 A I think it was a private entity. I forget</p> <p>23 the name of it now, a school.</p> <p>24 Q Why did you file that case? Strike that.</p> <p>25 Did you know the statute of limitations had</p>	<p style="text-align: right;">Page 80</p> <p>1 against the Hill School. I'm sure you have more than</p> <p>2 just this case going on so I understand that you are</p> <p>3 busy, I'm just hoping we can put this issue to rest</p> <p>4 sooner rather than later. Do you recall reading that?</p> <p>5 A No.</p> <p>6 Q All right. Look on 58. You forwarded it</p> <p>7 to --</p> <p>8 A Excuse me?</p> <p>9 Q Look on Garabedian Email 58. It's on the</p> <p>10 back side of that.</p> <p>11 A Oh, sorry.</p> <p>12 Q You forwarded that to your associate</p> <p>13 Mr. Gaul, correct?</p> <p>14 A Yeah.</p> <p>15 Q Why did you forward it to Mr. Gaul?</p> <p>16 A I don't know.</p> <p>17 Q You did not respond to Mr. Poulos, correct?</p> <p>18 A I don't remember.</p> <p>19 Q There's -- have you seen any emails of you</p> <p>20 responding to Mr. Poulos?</p> <p>21 A Have I seen? No. I don't recall.</p> <p>22 Q All right. And in producing the emails that</p> <p>23 were requested in this case did you do any of that</p> <p>24 search yourself or is that something that somebody in</p> <p>25 the office handled?</p>
<p style="text-align: right;">Page 79</p> <p>1 expired when you filed that case?</p> <p>2 MR. McCARRON: Objection.</p> <p>3 A It was a question of -- no.</p> <p>4 Q Am I correct that with respect to Mr. Poulos,</p> <p>5 you knew that the statute of limitations had expired</p> <p>6 for any of his claims, correct?</p> <p>7 A Yes.</p> <p>8 MR. JUBB: I'm going to be handing you</p> <p>9 what is being marked as Garabedian 8 and 9. Garabedian</p> <p>10 8 is going to be Garabedian Email 57, and Garabedian 9</p> <p>11 is going to be Garabedian Email 59. And excuse me,</p> <p>12 these are double-sided. So Garabedian 8 is actually</p> <p>13 Email 57 and 58, and Garabedian 9 is Garabedian Email</p> <p>14 59 and 60.</p> <p>15 (Exhibits 8 &amp; 9 marked</p> <p>16 for identification)</p> <p>17 Q Have you seen these before, Mr. Garabedian?</p> <p>18 A I don't remember.</p> <p>19 Q All right. Well, in Garabedian 8, which is</p> <p>20 Garabedian Email 57 and 58, is this an email from</p> <p>21 Mr. Poulos to you?</p> <p>22 A Apparently.</p> <p>23 Q Okay. And he's saying in here: I haven't</p> <p>24 heard from you in quite some time. I was just</p> <p>25 wondering if you have any updates concerning my case</p>	<p style="text-align: right;">Page 81</p> <p>1 A I believe I handled it.</p> <p>2 Q And when you handled it did you produce any</p> <p>3 emails that you received from Mr. Poulos?</p> <p>4 A I don't recall. Whatever is in the file is</p> <p>5 in the file.</p> <p>6 Q When you say "in the file", did you print out</p> <p>7 every email in the file before you got sued?</p> <p>8 A I don't recall.</p> <p>9 Q Well, would you have a practice of printing</p> <p>10 out emails and putting them in the file before you got</p> <p>11 sued?</p> <p>12 A Can you rephrase that?</p> <p>13 Q Sure.</p> <p>14 If -- you, you don't recall whether or not</p> <p>15 you printed out these emails and put them in the file.</p> <p>16 I'm asking whether or not as of this timeframe you had</p> <p>17 some sort of tendency or policy, if you will, habit, of</p> <p>18 printing out every email you receive and putting it in</p> <p>19 the file?</p> <p>20 A I don't know.</p> <p>21 Q Did you do your search on Outlook?</p> <p>22 A I don't recall.</p> <p>23 Q What internet server do you use?</p> <p>24 A I don't know.</p> <p>25 Q Do you know if you use Microsoft Outlook?</p>

<p style="text-align: right;">Page 82</p> <p>1 A We have Microsoft Outlook.</p> <p>2 Q Okay. And in doing that did you search for</p> <p>3 emails from Mr. Poulos?</p> <p>4 A I don't recall.</p> <p>5 Q Is there anything about how you practice law</p> <p>6 as to why you're forwarding this to Mr. Gaul?</p> <p>7 A I don't understand your question.</p> <p>8 Q Sure. Why are you sending this to Mr. Gaul?</p> <p>9 A I don't recall.</p> <p>10 Q Well, can you think of any reason why you</p> <p>11 would be sending this to, to Mr. Gaul?</p> <p>12 A I'd only be guessing.</p> <p>13 Q Well, I certainly don't want you to guess.</p> <p>14 But is there any practice that you had of forwarding</p> <p>15 emails to your associates who are handling cases?</p> <p>16 A Yes.</p> <p>17 Q Was this Mr. Gaul's case?</p> <p>18 A I don't remember.</p> <p>19 Q Whose case was this?</p> <p>20 A I don't know.</p> <p>21 Q Was it yours?</p> <p>22 A Well, they're all mine.</p> <p>23 Q In other words, whatever Mr. Gaul did, that's</p> <p>24 on you, right?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 84</p> <p>1 A Yes.</p> <p>2 Q Why did you forward them this email?</p> <p>3 A I don't recall.</p> <p>4 Q Did you ever tell Mr. Poulos it was a good</p> <p>5 idea to contact the dean?</p> <p>6 A I don't recall.</p> <p>7 Q Would you have told Mr. Poulos it was a good</p> <p>8 idea to contact the dean?</p> <p>9 A Excuse me for a second.</p> <p>10 (Pause.)</p> <p>11 A I'm sorry. What is your question?</p> <p>12 Q Would you have told Mr. Poulos to contact the</p> <p>13 dean?</p> <p>14 A I doubt it. But I don't specifically</p> <p>15 remember.</p> <p>16 Q Did you forward this to these associates</p> <p>17 because they were the ones who were suppose to be</p> <p>18 communicating with Mr. Poulos?</p> <p>19 A I don't recall.</p> <p>20 Q You can't think of any reason why you're</p> <p>21 forwarding this to them?</p> <p>22 A Specifically as to this email to Mr. Poulos,</p> <p>23 no.</p> <p>24 Q Do you have a practice of forwarding emails</p> <p>25 to your associates for cases that they're handling?</p>
<p style="text-align: right;">Page 83</p> <p>1 Q All right. Check out Garabedian 9 which I've</p> <p>2 handed you which is Garabedian Email 59 and 60 from</p> <p>3 Mr. Poulos again. Hello again Mr. Garabedian, I spoke</p> <p>4 with my mother. She's thinking about calling the dean</p> <p>5 at The Hill to expedite the process. What do you</p> <p>6 think? I'm not sure if it's a good idea though.</p> <p>7 Thanks for your time, Mr. Poulos. And then he's</p> <p>8 actually cc'ing the previous email that he sent to you</p> <p>9 asking for an update. Do you see that?</p> <p>10 A Yes.</p> <p>11 Q Did you have any conversations with</p> <p>12 Mr. Poulos after you received this email?</p> <p>13 A I don't recall.</p> <p>14 Q Look on the back page.</p> <p>15 MR. McCARRON: Hold it. Can I just make</p> <p>16 sure we're referring to the right one. 9, is that what</p> <p>17 you're talking about?</p> <p>18 MR. JUBB: That was Garabedian 9.</p> <p>19 MR. McCARRON: When you say "this" you</p> <p>20 mean 9.</p> <p>21 MR. JUBB: Garabedian 9.</p> <p>22 Q Can you turn that over, Garabedian Email 60?</p> <p>23 Do you see you also forwarded this to Mr. Gaul, Mirra</p> <p>24 Campbell, Salvatore Ciulla, and Daniel Mahoney? Do you</p> <p>25 see that?</p>	<p style="text-align: right;">Page 85</p> <p>1 A Sometimes. Sometimes not.</p> <p>2 Q Did you have an expectation that your</p> <p>3 associates would respond to Mr. Poulos?</p> <p>4 A I don't know.</p> <p>5 Q What would be the reason to send them an</p> <p>6 email like this as opposed to just reaching out to</p> <p>7 Mr. Poulos yourself?</p> <p>8 A Specifically I don't recall.</p> <p>9 Q Do you have a pattern and practice of after</p> <p>10 you sign up a client that your associates handle them?</p> <p>11 A Sometimes.</p> <p>12 Q Did that happen here?</p> <p>13 A I don't recall.</p> <p>14 Q But it could have, right?</p> <p>15 A I don't recall.</p> <p>16 Q Let me ask you this. Do you, do you recall</p> <p>17 any conversation with Mr. Poulos?</p> <p>18 A Specifically, no. Excuse me.</p> <p>19 Q Did you watch the videos of his deposition?</p> <p>20 A No.</p> <p>21 Q Do you even know what he looks like?</p> <p>22 A Yes.</p> <p>23 Q How do you know that?</p> <p>24 A Well, he was on the camera, for instance,</p> <p>25 just a few minutes ago.</p>

<p style="text-align: right;">Page 86</p> <p>1 Q Oh, so you're actually able to see Mr. Poulos</p> <p>2 in front of you?</p> <p>3 A Not right now but earlier.</p> <p>4 Q Okay.</p> <p>5 MR. McCARRON: Could we take a brief</p> <p>6 break when you have a -- when you -- when it suits you.</p> <p>7 MR. JUBB: This is fine. Let's break.</p> <p>8 THE VIDEOGRAPHER: The time is</p> <p>9 11:29 a.m. We're off the record.</p> <p>10 (Break was taken.)</p> <p>11 THE VIDEOGRAPHER: The time is</p> <p>12 11:38 a.m. We are on the record.</p> <p>13 MR. JUBB: Poulos, are you there? Hey,</p> <p>14 Kurtis?</p> <p>15 MR. POULOS: Yeah, I'm here.</p> <p>16 MR. JUBB: Okay.</p> <p>17 BY MR. JUBB:</p> <p>18 Q Mr. Garabedian, in referring to Garabedian 8</p> <p>19 and 9, which were Garabedian Email 57 and 58 as well as</p> <p>20 59 to 60, with Mr. Poulos asking you for an update and</p> <p>21 that he was thinking about or that his mom was thinking</p> <p>22 about contacting the dean, do you believe anyone</p> <p>23 actually contacted him?</p> <p>24 A I have, I have no knowledge of that.</p> <p>25 Q In terms of the management of these types of</p>	<p style="text-align: right;">Page 88</p> <p>1 Q Who is Sal Ciulla?</p> <p>2 A Sal Ciulla.</p> <p>3 Q Ciulla, excuse me.</p> <p>4 A Ciulla.</p> <p>5 Q Spelled C-I-U-L-L-A.</p> <p>6 Dan Mahoney, is he an associate?</p> <p>7 A Yes.</p> <p>8 Q Are all four of those people associates?</p> <p>9 A Sal is no longer an associate.</p> <p>10 Q When you forwarded them this email did you</p> <p>11 have an expectation that one of them would contact and</p> <p>12 respond to Mr. Poulos?</p> <p>13 A I don't recall.</p> <p>14 Q Well, my question, perhaps you -- strike</p> <p>15 that.</p> <p>16 In sending these types of emails to your</p> <p>17 associates would it be your pattern and practice that</p> <p>18 when you forward an email to your associates for a</p> <p>19 client asking for an update or a response or anything</p> <p>20 that they would respond to them?</p> <p>21 A I don't know.</p> <p>22 Q In other words, you're just sending emails to</p> <p>23 your associates with no expectation that they're going</p> <p>24 to do follow-up at all, right?</p> <p>25 A I don't know.</p>
<p style="text-align: right;">Page 87</p> <p>1 cases is it one of your expectations that your</p> <p>2 associates are going to respond to clients when they</p> <p>3 have questions?</p> <p>4 A Sometimes.</p> <p>5 Q In other words, if a client is asking to</p> <p>6 speak to you do you have an expectation that if you're</p> <p>7 not going to speak to them one of your associates will?</p> <p>8 A It could go either way.</p> <p>9 Q How so?</p> <p>10 A I could speak to them or my associates could</p> <p>11 speak to them.</p> <p>12 Q Okay. But my question was do you have an</p> <p>13 expectation that someone is going to answer the</p> <p>14 client's questions?</p> <p>15 A Yes.</p> <p>16 Q All right. Did that occur in this case?</p> <p>17 A I don't recall specifically.</p> <p>18 Q Do you have any reason to believe, as you sit</p> <p>19 here right now, that someone got back to Mr. Poulos</p> <p>20 with an update in September of 2018?</p> <p>21 A I don't know.</p> <p>22 Q Does Mr. Gaul have any client interactions?</p> <p>23 A Yes.</p> <p>24 Q Who's Mirra Campbell?</p> <p>25 A She's an associate that works for me.</p>	<p style="text-align: right;">Page 89</p> <p>1 Q All right. Is that, is that good practice?</p> <p>2 MR. McCARRON: Objection. Don't answer</p> <p>3 that question. Don't.</p> <p>4 THE WITNESS: Okay.</p> <p>5 Q Do you have any reason to believe that your</p> <p>6 associates actually contacted Mr. Poulos?</p> <p>7 A I don't specifically remember.</p> <p>8 Q So as you sit here you have no reason</p> <p>9 whatsoever to believe that your associates actually got</p> <p>10 back to him?</p> <p>11 A I don't specifically remember.</p> <p>12 Q Do you understand the difference between my</p> <p>13 question, and I don't specifically remember?</p> <p>14 A No.</p> <p>15 Q You don't appreciate that?</p> <p>16 A No.</p> <p>17 MR. McCARRON: Okay. Just don't do</p> <p>18 that.</p> <p>19 Q Okay. So --</p> <p>20 MR. McCARRON: And, you, please don't do</p> <p>21 it either.</p> <p>22 Q I'm not sure -- you know, I know you don't</p> <p>23 take depositions too often, but in terms of asking a</p> <p>24 question about pattern and practices, I'm not asking</p> <p>25 you if you can specifically recall what occurred for a</p>



<p style="text-align: right;">Page 90</p> <p>1 particular instance. I think you responded to that</p> <p>2 question. So without, you know -- I'll tighten up the</p> <p>3 question for you. So strike that.</p> <p>4 A Thank you.</p> <p>5 Q *As of September of 2018 what were the</p> <p>6 reasons that you would be forwarding emails from</p> <p>7 clients asking to speak to your associates?</p> <p>8 THE WITNESS: Can you repeat that,</p> <p>9 please. I'm sorry.</p> <p>10 (*Record read)</p> <p>11 A It could be a variety of reasons.</p> <p>12 Q Would one of them be that you had an</p> <p>13 expectation that one of your associates would contact</p> <p>14 Mr. Poulos?</p> <p>15 A I don't know.</p> <p>16 Q Do you know any of your, your policies and</p> <p>17 procedures at work?</p> <p>18 A Yes.</p> <p>19 MR. McCARRON: Objection.</p> <p>20 Q Okay. And do any of them have to do with</p> <p>21 client interaction?</p> <p>22 A Yes.</p> <p>23 Q Are your associates allowed to engage with</p> <p>24 clients without your permission?</p> <p>25 A I don't know what you mean by that.</p>	<p style="text-align: right;">Page 92</p> <p>1 right?</p> <p>2 A I don't recall what happened in this specific</p> <p>3 instance. I'm sorry.</p> <p>4 MR. JUBB: This is going to be marked as</p> <p>5 Garabedian 10. It's Garabedian 65.</p> <p>6 (Exhibit 10 marked</p> <p>7 for identification)</p> <p>8 Q Do you believe you ever got that letter?</p> <p>9 A I mean if it was mailed to me.</p> <p>10 Q Okay. Do you believe that you would have</p> <p>11 reviewed the letter?</p> <p>12 A Yes.</p> <p>13 Q And in this letter that was sent to you by</p> <p>14 Mr. Rees who's counsel for The Hill School, he asked</p> <p>15 you to contact him by email to set up a time to call.</p> <p>16 Do you see that?</p> <p>17 (Pause.)</p> <p>18 A Yes. Thank you.</p> <p>19 Q Now, when you get letters from defense</p> <p>20 lawyers asking for a time to speak do you have a</p> <p>21 general timeframe to which you return their, their</p> <p>22 calls?</p> <p>23 A No.</p> <p>24 Q Now, when you, when you send letters asking</p> <p>25 for a million dollars from, from a school and the</p>
<p style="text-align: right;">Page 91</p> <p>1 Q Okay. Well, are your associates -- strike</p> <p>2 that.</p> <p>3 As of September of 2018 would they have been</p> <p>4 allowed to communicate with Mr. Poulos without your</p> <p>5 knowledge?</p> <p>6 A I don't specifically remember.</p> <p>7 Q Well, as you look at this email, who were the</p> <p>8 lawyers representing Mr. Poulos?</p> <p>9 A I was. My office.</p> <p>10 Q Just you?</p> <p>11 A Well, the lawyers in my office. I consider</p> <p>12 the lawyers in my office representing each person</p> <p>13 so ...</p> <p>14 Q *Okay. And do your lawyers have an</p> <p>15 understanding based off of the instruction from their</p> <p>16 leader that when a client's asking for communication</p> <p>17 that they're expected to respond?</p> <p>18 A From their leader?</p> <p>19 Q That would be you, correct?</p> <p>20 A I don't know what you mean. Can you repeat</p> <p>21 that, please.</p> <p>22 (*Record read)</p> <p>23 A Sometimes.</p> <p>24 Q In other words, in this email, as you look at</p> <p>25 it, they could very easily just not respond to it,</p>	<p style="text-align: right;">Page 93</p> <p>1 lawyer gets back to you within a couple of days would</p> <p>2 you give them a call back?</p> <p>3 A Sometimes.</p> <p>4 Q Am I correct that in response to Mr. Rees's</p> <p>5 April 24th, 2018 letter, you did not call him back?</p> <p>6 A I remember speaking to Mr. Rees. When, I'm</p> <p>7 not sure. And what was said, I'm not sure.</p> <p>8 Q Well, when you receive a letter like this</p> <p>9 take me through in terms of, you know, do you have a</p> <p>10 paralegal look at your schedule and like here's when</p> <p>11 you can call or do you look at your schedule yourself?</p> <p>12 MR. McCARRON: Objection. That's not a</p> <p>13 question so ...</p> <p>14 Q All right. Take me through the process when</p> <p>15 you get a letter like this. What's the next step?</p> <p>16 A It -- I don't know. It -- it varies.</p> <p>17 Q Do you ever give the letter to one of your</p> <p>18 associates and have them call?</p> <p>19 A No.</p> <p>20 Q When he's asking for an email would you do</p> <p>21 that yourself or would one of your associates?</p> <p>22 A I may not even send one. I don't know.</p> <p>23 Q All right. So there's actually occasions --</p> <p>24 A I may just pick up the phone and call him.</p> <p>25 Q Great. Do you believe you did that in this</p>



<p style="text-align: right;">Page 94</p> <p>1 case?</p> <p>2 A I don't recall.</p> <p>3 Q When Mr. Poulos was asking for an update as</p> <p>4 of September 2018, how come no one in your office told</p> <p>5 him that you actually received a response from the</p> <p>6 school?</p> <p>7 MR. McCARRON: Objection.</p> <p>8 A I have -- say that again, please. I'm sorry.</p> <p>9 What was the question?</p> <p>10 Q Sure. In looking at the emails that I</p> <p>11 already provided you which are Garabedian 8 and 9 --</p> <p>12 A Yeah.</p> <p>13 Q -- from September 2018 when Mr. Poulos is</p> <p>14 asking for an update, how come no one from your office</p> <p>15 contacted him to let him know that the school had</p> <p>16 actually responded to, to the letter that you had?</p> <p>17 MR. McCARRON: Objection.</p> <p>18 A I don't know if that happened or didn't</p> <p>19 happen.</p> <p>20 Q Well, if Mr. Poulos had told you to send that</p> <p>21 letter do you think it would be part of your practice</p> <p>22 to let him know that the school got it?</p> <p>23 MR. McCARRON: Objection.</p> <p>24 A I don't specifically remember that. I'm</p> <p>25 sorry.</p>	<p style="text-align: right;">Page 96</p> <p>1 yours, Jeff?</p> <p>2 MR. McCARRON: No, I only have one.</p> <p>3 MR. JUBB: Okay. So just 63.</p> <p>4 BY MR. JUBB:</p> <p>5 Q Mr. Garabedian, at the bottom of this it</p> <p>6 looks like there was an email from you to Tom Rees</p> <p>7 cc'ing Mr. Gaul dated December 18th, 2018. Do you see</p> <p>8 that?</p> <p>9 A Yes.</p> <p>10 Q And in this email you write to Mr. Rees</p> <p>11 saying: As you know, this office represents Kurtis</p> <p>12 Poulos with regard to a childhood sexual abuse claim --</p> <p>13 MR. McCARRON: You might want to go slow</p> <p>14 for the court ...</p> <p>15 Q -- involving Matthew B. Ralston and The Hill</p> <p>16 School. Please contact me so that we can discuss this</p> <p>17 matter. Did you write this email or did somebody else</p> <p>18 write it?</p> <p>19 A I don't recall.</p> <p>20 Q Okay. In other words, as of December 2018</p> <p>21 there were folks that could write emails on your</p> <p>22 behalf?</p> <p>23 A Maybe, but I don't know.</p> <p>24 Q Do you believe you wrote this?</p> <p>25 A I don't recall. I don't know specif -- I</p>
<p style="text-align: right;">Page 95</p> <p>1 Q As you sit here today do you have any reason</p> <p>2 to believe that one of your associates would have</p> <p>3 gotten back to Mr. Poulos who's asking for an update?</p> <p>4 A I don't know.</p> <p>5 Q In other words, they could have ignored him,</p> <p>6 correct?</p> <p>7 MR. McCARRON: Objection.</p> <p>8 A I don't -- I -- I don't know -- I don't</p> <p>9 recall what happened. I'm sorry.</p> <p>10 Q Okay. But as you sit here today do you have</p> <p>11 any reason to disagree with me when I say they ignored</p> <p>12 him?</p> <p>13 MR. McCARRON: Objection.</p> <p>14 A They may have spoken to him. I don't recall.</p> <p>15 Q And they may not have?</p> <p>16 A Correct.</p> <p>17 MR. JUBB: We can mark this as</p> <p>18 Garabedian 11.</p> <p>19 (Exhibit 11 marked</p> <p>20 for identification)</p> <p>21 MR. JUBB: And Garabedian 11 is</p> <p>22 Garabedian 63 previously produced in disclosures. And</p> <p>23 it's also 64 -- or, excuse me, it's 63.</p> <p>24 MR. McCARRON: Hmm?</p> <p>25 MR. JUBB: Do you have two pages on</p>	<p style="text-align: right;">Page 97</p> <p>1 don't recall specifically so I can't tell you.</p> <p>2 Q Okay. Well, when the weatherman reports that</p> <p>3 it's going to be pouring rain tomorrow, absolutely</p> <p>4 pouring rain --</p> <p>5 MR. McCARRON: Do you really want to do this?</p> <p>6 Do you really want to do this? You want me to --</p> <p>7 MR. JUBB: I'm just trying to</p> <p>8 understand --</p> <p>9 MR. McCARRON: No. No. Do you want me</p> <p>10 to send to the court the, the way in which you think is</p> <p>11 a proper -- appropriate to handle a deposition?</p> <p>12 MR. JUBB: I don't care what you send to</p> <p>13 the court.</p> <p>14 MR. McCARRON: Is that right? You</p> <p>15 really don't care what I --</p> <p>16 MR. JUBB: I think when they see the way</p> <p>17 he's responding to these questions --</p> <p>18 MR. McCARRON: I see.</p> <p>19 MR. JUBB: It's --</p> <p>20 MR. McCARRON: That what?</p> <p>21 MR. JUBB: It's embarrassing.</p> <p>22 MR. McCARRON: That what? That what?</p> <p>23 There's some violation of a rule that you just -- which</p> <p>24 is what I'm talking about with respect to your behavior</p> <p>25 now.</p>

25 (Pages 94 - 97)

<p style="text-align: right;">Page 98</p> <p>1 MR. JUBB: What?</p> <p>2 MR. McCARRON: I don't really want to</p> <p>3 get into it, but you're not going to do what you just</p> <p>4 tried to do, okay. We're not going to do that. We're</p> <p>5 not going to deviate with some discussion or you</p> <p>6 talking to yourself or whatever it may be.</p> <p>7 MR. JUBB: I'm not talking to myself.</p> <p>8 I'm talking to the witness.</p> <p>9 MR. McCARRON: Well, you're not allowed</p> <p>10 to do that either. That's my point.</p> <p>11 MR. JUBB: I'm -- that's the purpose of</p> <p>12 this deposition. I'm, I'm talking to him.</p> <p>13 MR. McCARRON: No, you're asking</p> <p>14 questions.</p> <p>15 MR. JUBB: I am asking questions.</p> <p>16 MR. McCARRON: You're not speaking to my</p> <p>17 client. Do not do that.</p> <p>18 MR. JUBB: Do not do speaking objections</p> <p>19 either, Mr. McCarron.</p> <p>20 MR. McCARRON: I'm not doing a speaking</p> <p>21 objection. You're not going to --</p> <p>22 MR. JUBB: You've been doing it all --</p> <p>23 since we started.</p> <p>24 MR. McCARRON: No, that's not true.</p> <p>25 Anyway, ask --</p>	<p style="text-align: right;">Page 100</p> <p>1 Q And if you don't know that's because you</p> <p>2 can't say with any degree of certainty that your</p> <p>3 associates didn't send an email, fair?</p> <p>4 A I don't know what -- I specifically don't</p> <p>5 recall this.</p> <p>6 Q I know that.</p> <p>7 A Then -- well, I'm trying to answer your</p> <p>8 question. You don't have to, you don't have to like</p> <p>9 yell at me, okay.</p> <p>10 Q I'm not yelling at you, sir. I'm asking you</p> <p>11 whether or not it's possible that one of your</p> <p>12 associates wrote this email. Can you answer that</p> <p>13 question?</p> <p>14 A I don't know.</p> <p>15 Q But your associates did have access to your</p> <p>16 email at this time, correct?</p> <p>17 A Sure.</p> <p>18 Q And there were other instances that you can</p> <p>19 recall that your associates have actually written</p> <p>20 emails under your email address to other folks,</p> <p>21 correct?</p> <p>22 A Sure.</p> <p>23 Q Now, at the top of this Garabedian 11 which</p> <p>24 is Garabedian 63, it's an email from Mr. Rees to your</p> <p>25 email address, not necessarily you, saying:</p>
<p style="text-align: right;">Page 99</p> <p>1 MR. JUBB: Yeah, you have. So if</p> <p>2 you're --</p> <p>3 MR. McCARRON: Make a statement with a</p> <p>4 question mark at the end. That's the way this is going</p> <p>5 to go.</p> <p>6 BY MR. JUBB:</p> <p>7 Q Okay. Pay attention to, to my question.</p> <p>8 Strike that.</p> <p>9 MR. McCARRON: You don't need to do</p> <p>10 that. Please don't be rude.</p> <p>11 Q Mr. Garabedian, as of December of 2018 was</p> <p>12 there anybody else that had access to your email</p> <p>13 account?</p> <p>14 A Well, I imagine individuals in my office</p> <p>15 could have.</p> <p>16 Q Okay. And when you say individuals in your</p> <p>17 office is that referring to your associates?</p> <p>18 A Yes.</p> <p>19 Q Okay. And am I correct that as of December</p> <p>20 of 2018 it was possible that one of your associates</p> <p>21 sent this email to Mr. Rees?</p> <p>22 A I don't recall.</p> <p>23 Q Is it possible, sir?</p> <p>24 A If it happened at all. I don't know -- I</p> <p>25 don't know.</p>	<p style="text-align: right;">Page 101</p> <p>1 Mr. Garabedian: Let us schedule a call later this</p> <p>2 week. I have no schedule conflicts tomorrow until 4,</p> <p>3 no conflicts on Thursday until noon, and no conflicts</p> <p>4 Friday. Did it appear to you from this email</p> <p>5 assuming -- strike that.</p> <p>6 The top email is from Mr. Rees to your email</p> <p>7 address, correct?</p> <p>8 A Yes. Apparently.</p> <p>9 Q Do you believe you read this?</p> <p>10 A I don't recall reading it.</p> <p>11 Q Do you read the emails that are sent to you,</p> <p>12 sir?</p> <p>13 A Yes.</p> <p>14 Q Okay. Do you believe that you read this</p> <p>15 email based on that statement?</p> <p>16 A I don't recall reading it. That's what I --</p> <p>17 I know that's ...</p> <p>18 Q When Mr. Rees says that he tried several</p> <p>19 times to reach you, it will be helpful to finally have</p> <p>20 a chance to speak, does that refresh your recollection</p> <p>21 as to whether or not you ever spoke with Mr. Rees</p> <p>22 between December of 2018 and the time you wrote that</p> <p>23 letter?</p> <p>24 A I do recall speaking to Mr. Rees, but I don't</p> <p>25 recall when. And I re -- I don't recall the specific</p>

<p style="text-align: right;">Page 102</p> <p>1 substance of it, the conversation.</p> <p>2 Q As you sit here do you have any reason to</p> <p>3 doubt Mr. Rees's statement to you that this is going to</p> <p>4 be helpful to finally have a chance to speak with you?</p> <p>5 A I have no idea what was in his mind.</p> <p>6 Q Am I correct that this email from Mr. Rees to</p> <p>7 your email address -- strike that.</p> <p>8 Who are all the individuals who have access</p> <p>9 to your email address?</p> <p>10 A The associates in my office.</p> <p>11 Q And so if you get an email to mgarabedian@</p> <p>12 mgarabedianlaw.com, that email is actually sent to</p> <p>13 every associate in your office; is that correct?</p> <p>14 A No.</p> <p>15 Q Okay. So then who are the associates that do</p> <p>16 not have access to the email?</p> <p>17 A All of my associates have access.</p> <p>18 Q Well, when you receive an email at this</p> <p>19 address, mgarabedian@garabedianlaw.com, who gets</p> <p>20 notification of the email?</p> <p>21 A I do.</p> <p>22 Q Do any of your associates?</p> <p>23 A Well, I'm not a computer person, but they can</p> <p>24 access my email address and check my emails.</p> <p>25 Q Based on how things worked in the 2018</p>	<p style="text-align: right;">Page 104</p> <p>1 email?</p> <p>2 A You know, I, I read most of my email so I</p> <p>3 really can't answer that question.</p> <p>4 MR. JUBB: Let's mark this as Garabedian</p> <p>5 12. This was previously produced as Garabedian 47.</p> <p>6 (Exhibit 12 marked</p> <p>7 for identification)</p> <p>8 Q And I'm going to show you Garabedian 13 which</p> <p>9 is Garabedian 61.</p> <p>10 (Exhibit 13 marked</p> <p>11 for identification)</p> <p>12 Q Have you seen those before?</p> <p>13 A I don't know if I've seen 13 before.</p> <p>14 Q And 13 is Garabedian 61, okay.</p> <p>15 In response -- if you look on 61, it's an</p> <p>16 email from you to -- strike that.</p> <p>17 Garabedian 61 at the bottom appears to be an</p> <p>18 email from your email address to Mr. Rees, is that</p> <p>19 correct?</p> <p>20 A Yes.</p> <p>21 (Attorney Dougherty joined the deposition via Zoom.)</p> <p>22 Q Do you know whether or not you actually wrote</p> <p>23 this?</p> <p>24 A I don't specifically recall.</p> <p>25 Q But you could have?</p>
<p style="text-align: right;">Page 103</p> <p>1 timeframe do you believe that you had received this and</p> <p>2 read it?</p> <p>3 A I don't remember.</p> <p>4 Q I'm not asking if you remember reading it.</p> <p>5 I'm asking if based on how you practice law, you</p> <p>6 believe you actually would have read it?</p> <p>7 A I don't remember reading it. I can't really</p> <p>8 answer that.</p> <p>9 Q In other words, based on your pattern and</p> <p>10 practice, you can't say one way or another whether you</p> <p>11 believe you actually read this email; is that right?</p> <p>12 A I don't remember specifically reading it.</p> <p>13 Q Okay. Do you understand the difference in my</p> <p>14 question, though?</p> <p>15 A Well, I, I pr -- I read my emails, most of</p> <p>16 them.</p> <p>17 Q Okay. And so based on that practice would</p> <p>18 you agree with me that you read this email?</p> <p>19 A Only if it's one that I read.</p> <p>20 Q Okay. In other words, you're -- as you sit</p> <p>21 here, based on everything you know about how you</p> <p>22 practice law, you can't say one way or another whether</p> <p>23 or not you would have read this email; is that right?</p> <p>24 A I specifically don't remember.</p> <p>25 Q Is it possible that you did not read this</p>	<p style="text-align: right;">Page 105</p> <p>1 A Yes.</p> <p>2 Q You could have not?</p> <p>3 A Yes.</p> <p>4 Q The phone number 617.523.6250 is that your</p> <p>5 office line?</p> <p>6 A Yes.</p> <p>7 Q Do you have a direct line?</p> <p>8 A No.</p> <p>9 Q In other words, no one can contact you</p> <p>10 without -- strike that.</p> <p>11 In other words, no one can contact your</p> <p>12 office directly without going through the office line?</p> <p>13 A Yes.</p> <p>14 Q And so in this Mr. Rees --</p> <p>15 A I mean I have a cell phone, but I just don't</p> <p>16 give it -- I give the number out to only a few people</p> <p>17 so ...</p> <p>18 Q You don't give your cell phone out to</p> <p>19 clients; is that right?</p> <p>20 A Not too many.</p> <p>21 Q Do you believe you gave your cell phone out</p> <p>22 to Mr. Poulos?</p> <p>23 A I don't recall doing that.</p> <p>24 Q And in response to this two minutes later</p> <p>25 Mr. Garabedian says: Thank you. I will call you then.</p>

<p style="text-align: right;">Page 106</p> <p>1 Do you recall receiving this?</p> <p>2 MR. McCARRON: You mean Mr. Rees.</p> <p>3 MR. JUBB: Yeah, that's what I said.</p> <p>4 MR. McCARRON: No, you said</p> <p>5 Mr. Garabedian.</p> <p>6 MR. JUBB: Well, that's what he said:</p> <p>7 MR. Garabedian: Thank you. I will call you then.</p> <p>8 MR. McCARRON: Well ...</p> <p>9 A Can you repeat the question?</p> <p>10 Q Sure. In response to this note that was sent</p> <p>11 from your email address, Mr. Rees responded:</p> <p>12 Mr. Garabedian: Thank you. I will call you then.</p> <p>13 A What is the question?</p> <p>14 Q Am I correct?</p> <p>15 A That's what it says.</p> <p>16 Q All right. Do you recall receiving this?</p> <p>17 A Not specifically, no.</p> <p>18 Q Why is Mr. Gaul cc'd on this?</p> <p>19 A I don't know.</p> <p>20 Q Would Mr. Gaul be able to send emails from</p> <p>21 your account?</p> <p>22 A Yes.</p> <p>23 Q Would Mr. Gaul be able to speak with Mr. Rees</p> <p>24 on your behalf?</p> <p>25 A No.</p>	<p style="text-align: right;">Page 108</p> <p>1 conversation.</p> <p>2 Q Do you recall whether or not you had spoken</p> <p>3 with Mr. Rees with any of your associates in the room?</p> <p>4 A I may have.</p> <p>5 Q Do you recall discussing with Mr. Rees</p> <p>6 anything whatsoever about Mr. Poulos?</p> <p>7 A I don't recall.</p> <p>8 Q As you sit here today is there anything you</p> <p>9 can recall about that conversation?</p> <p>10 A No.</p> <p>11 Q Other than that it occurred?</p> <p>12 A No.</p> <p>13 Q So in this letter which may or may not have</p> <p>14 been written by you, in the second paragraph it says:</p> <p>15 Please advise me as to your client's position with</p> <p>16 regard to my recommendation that the parties agree to</p> <p>17 attend mediation if Mr. Poulos's claim is found</p> <p>18 credible following an investigation. Do you see that?</p> <p>19 A Yes.</p> <p>20 Q Did you ever say that to Mr. Rees?</p> <p>21 A I don't recall.</p> <p>22 Q As I informed you during our telephone</p> <p>23 conversation on December 21, 2018, Mr. Poulos will not</p> <p>24 agree to confidentiality as a condition. Does that</p> <p>25 sound like something you would say?</p>
<p style="text-align: right;">Page 107</p> <p>1 Q Would Mr. Gaul be able to send emails from</p> <p>2 your account but indicating that the email is being</p> <p>3 sent from you?</p> <p>4 A I believe so.</p> <p>5 Q And then looking at Garabedian 12, this</p> <p>6 appears to be a letter dated January 28th, 2019 on your</p> <p>7 letterhead?</p> <p>8 A Yes.</p> <p>9 Q Who's the author of this letter?</p> <p>10 A I don't know.</p> <p>11 Q Is -- is that your handwriting for the</p> <p>12 initial?</p> <p>13 A It might be.</p> <p>14 Q But it could not be?</p> <p>15 A Yes.</p> <p>16 Q And it says: Pursuant to our telephone</p> <p>17 conversation on December 21st, 2018. Does that refresh</p> <p>18 your recollection as to when you had a conversation</p> <p>19 with Mr. Rees?</p> <p>20 A I mean if it's in the letter it probably was</p> <p>21 then.</p> <p>22 Q Okay. So tell me about that conversation,</p> <p>23 please.</p> <p>24 A I, I don't recall the conversation. I</p> <p>25 remember speaking to Mr. Rees, but I don't recall the</p>	<p style="text-align: right;">Page 109</p> <p>1 A Yes.</p> <p>2 Q All right. And did Mr. Poulos tell you that?</p> <p>3 A I don't recall.</p> <p>4 Q Did Mr. Poulos tell you that he, he would not</p> <p>5 agree to any sort of confidentiality?</p> <p>6 A I don't recall.</p> <p>7 Q What did you mean by attend a mediation if</p> <p>8 Mr. Poulos's claim is found credible following an</p> <p>9 investigation?</p> <p>10 A Just what it says.</p> <p>11 Q In other words, if they found him to be</p> <p>12 incredible, mediation wouldn't be happening; is that</p> <p>13 right?</p> <p>14 A That's what the le -- all I -- what the</p> <p>15 letter says is attend a mediation if Mr. Poulos's claim</p> <p>16 to file -- claim is found credible following an</p> <p>17 investigation.</p> <p>18 Q Do you recall as to whether or not Mr. Rees</p> <p>19 ever asked for your participation in any sort of</p> <p>20 investigation?</p> <p>21 A I don't recall.</p> <p>22 MR. JUBB: I'm going to hand you -- or</p> <p>23 mark this as Garabedian 14. It's Garabedian 51.</p> <p>24 (Exhibit 14 marked</p> <p>25 for identification)</p>

<p style="text-align: right;">Page 110</p> <p>1 Q Have you seen this before?</p> <p>2 A I don't recall.</p> <p>3 Q All right. Do you believe you received this</p> <p>4 letter? Strike that.</p> <p>5 Do you believe you received this email?</p> <p>6 A Oh, if it was addressed to me, yes.</p> <p>7 Q And would you have read it?</p> <p>8 A I read most of my emails.</p> <p>9 Q Do you believe you read this one?</p> <p>10 A I specifically don't recall.</p> <p>11 Q Based on your pattern and practice do you</p> <p>12 think you read this?</p> <p>13 A I read most of my emails.</p> <p>14 Q Does that mean the answer to my question is</p> <p>15 yes?</p> <p>16 A I can't hear you.</p> <p>17 Q Does that mean the answer to my question is</p> <p>18 yes, that you believe you read this?</p> <p>19 A I read most of my emails, but I don't</p> <p>20 specifically remember reading this email.</p> <p>21 Q All right. So in this email that was</p> <p>22 directed to -- by the way -- strike that.</p> <p>23 Did you ever tell Mr. Rees that your emails</p> <p>24 are actually going to other folks other than you?</p> <p>25 A I don't recall.</p>	<p style="text-align: right;">Page 112</p> <p>1 child sex abuse, with a total of 34 years of experience</p> <p>2 in the Philadelphia District Attorney's office before</p> <p>3 entering private practice. Do you recall reading that?</p> <p>4 A Not specifically.</p> <p>5 Q Do you know Ms. Smith and Ms. Gomez?</p> <p>6 A No.</p> <p>7 Q You've never had a case involving them in the</p> <p>8 past?</p> <p>9 A Not that I remember.</p> <p>10 Q And when he follows that up by asking:</p> <p>11 Please let us know if you will agree to such a meeting,</p> <p>12 and if so, please provide us with a range of three or</p> <p>13 four dates when a meeting could be scheduled. I have</p> <p>14 copied Ms. Smith and Ms. Gomez on this email for your</p> <p>15 convenience in replying. At any point in time did you</p> <p>16 send an email to either Ms. Smith or Ms. Gomez?</p> <p>17 A I don't recall.</p> <p>18 Q Am I, am I correct -- strike that. Am I</p> <p>19 correct that as you sit here you have -- strike that.</p> <p>20 Do you have any basis to believe that you</p> <p>21 sent an email to Ms. Smith or Ms. Gomez?</p> <p>22 A I don't remember sending an email to them.</p> <p>23 Q Okay. And when he's indicating to you a</p> <p>24 request for three or four dates when a meeting could be</p> <p>25 scheduled, did anyone from your office ever give him</p>
<p style="text-align: right;">Page 111</p> <p>1 Q Did Mr. Rees have any understanding that he</p> <p>2 was getting emails from lawyers that were not actually</p> <p>3 you?</p> <p>4 A You'd have to ask him.</p> <p>5 Q But, but you don't have a practice of telling</p> <p>6 opposing counsel that, do you?</p> <p>7 A No.</p> <p>8 Q Do you have a practice of telling anybody</p> <p>9 that your associates are actually sending emails from</p> <p>10 you?</p> <p>11 A I don't know. I mean what do you mean?</p> <p>12 Q Sure. Do the people that you send emails to,</p> <p>13 do they know that in fact it could be coming from one</p> <p>14 of your associates?</p> <p>15 A Some might.</p> <p>16 Q Do, do you know if Mr. Rees knew?</p> <p>17 A I have no idea.</p> <p>18 Q So in this where it says: The School's</p> <p>19 outside attorneys, Gina Smith, Esquire and Leslie</p> <p>20 Gomez, Esquire, would like to meet with Mr. Poulos in</p> <p>21 your presence and in your offices to discuss the facts</p> <p>22 and issues presented in the December 26th letter. As</p> <p>23 you may know, Ms. Smith and Ms. Gomez are partners at</p> <p>24 Cozen O'Connor in Philadelphia, and both have extensive</p> <p>25 backgrounds in investigating and prosecuting cases of</p>	<p style="text-align: right;">Page 113</p> <p>1 any dates?</p> <p>2 A I don't believe so, but I don't remember.</p> <p>3 Q Why not?</p> <p>4 A I -- it was a long time ago.</p> <p>5 Q Is there any particular reason why you</p> <p>6 wouldn't give him dates as of January 9th when they're</p> <p>7 asking for this?</p> <p>8 A I don't recall, but my letter of January 28th</p> <p>9 is a response I believe.</p> <p>10 Q And that letter that you have of the 28th,</p> <p>11 which was Garabedian 13, it mentions nothing about</p> <p>12 giving them dates for Mr. Poulos to appear for any sort</p> <p>13 of investigation, correct?</p> <p>14 A I don't see any.</p> <p>15 Q Is there a particular reason why you didn't</p> <p>16 give them any sort of dates?</p> <p>17 A Well, it's set forth in Exhibit 12.</p> <p>18 MR. McCARRON: Did, did I mark these --</p> <p>19 I'm sorry. Can I interrupt for a moment? Did I</p> <p>20 mark -- is -- Garabedian 12 is the letter? That's what</p> <p>21 I have.</p> <p>22 MR. JUBB: Garabedian 12 is 47.</p> <p>23 MR. McCARRON: Okay. Then I --</p> <p>24 MR. JUBB: Garabedian 13 is 61.</p> <p>25 MR. McCARRON: All right. I think</p>

<p style="text-align: right;">Page 114</p> <p>1 somebody misused the -- Exhibit 13.</p> <p>2 MR. JUBB: Okay. Let's clarify.</p> <p>3 THE WITNESS: Yeah, I got a little</p> <p>4 confused there.</p> <p>5 BY MR. JUBB:</p> <p>6 Q Okay. So to clarify, in looking at</p> <p>7 Garabedian 14, which is Garabedian 51, do you have that</p> <p>8 in front of you, Mr. Garabedian?</p> <p>9 A Yeah.</p> <p>10 Q Okay. And I asked you in your response to</p> <p>11 this did you ever provide dates, and I believe you said</p> <p>12 your response is reflected in the letter and you were</p> <p>13 referring to the letter that was previously marked as</p> <p>14 Garabedian 12 which is Garabedian 47, correct?</p> <p>15 A Yes.</p> <p>16 Q All right. And in your letter am I correct</p> <p>17 you did not provide them with any sort of dates?</p> <p>18 A Apparently not.</p> <p>19 Q Do you know why not?</p> <p>20 A Well, it's set forth in my letter.</p> <p>21 Q Tell me where in this letter it says why not.</p> <p>22 A Pursuant to our telephone conversation of</p> <p>23 December 21, 2018, please advise me as to your client's</p> <p>24 position with regard to my recommendation that the</p> <p>25 parties agree to attend mediation if Mr. Poulos's claim</p>	<p style="text-align: right;">Page 116</p> <p>1 other than what's written in this January 28th, 2019</p> <p>2 letter, correct?</p> <p>3 A That I recall, yeah.</p> <p>4 Q Well, from the January 9th letter do you see</p> <p>5 that the school is actually asking you for your</p> <p>6 cooperation and your client's cooperation?</p> <p>7 A Yes.</p> <p>8 Q And in the January 28th letter do you believe</p> <p>9 that you gave them any sort of cooperation?</p> <p>10 A Yes.</p> <p>11 Q Okay. Tell me where you gave them the</p> <p>12 cooperation.</p> <p>13 A I said: Pursuant to our telephone</p> <p>14 conversation of December 21st, 2018, please advise me</p> <p>15 as to your client's position with regard to my</p> <p>16 recommendation that the parties agree to attend</p> <p>17 mediation if Mr. Poulos's claim is found credible</p> <p>18 following an investigation.</p> <p>19 Q Okay.</p> <p>20 A That's cooperation.</p> <p>21 Q Okay. So in your 20 -- your December 20 --</p> <p>22 let's -- strike that.</p> <p>23 Am I correct that December 21st, 2018 is</p> <p>24 before January 9th, 2019?</p> <p>25 A I'm sorry?</p>
<p style="text-align: right;">Page 115</p> <p>1 is found credible following an investigation. That's</p> <p>2 my response.</p> <p>3 Q Okay. So you're referring to a telephone</p> <p>4 conversation that had occurred the 21st of December,</p> <p>5 right?</p> <p>6 A I'm also responding to any positions prior to</p> <p>7 my letter.</p> <p>8 Q You don't reference the January 9th letter</p> <p>9 anywhere in your letter of January 28th, correct?</p> <p>10 A That's right.</p> <p>11 Q Is there a chance that you didn't actually</p> <p>12 get to see the January 9th letter?</p> <p>13 MR. McCARRON: I'm sorry. January 9</p> <p>14 letter?</p> <p>15 Q Excuse me. The January 9 email?</p> <p>16 A I don't ... I don't recall. I see most of</p> <p>17 them so ...</p> <p>18 Q Tell us why you wouldn't provide them with</p> <p>19 any sort of dates for Mr. Poulos to appear in your</p> <p>20 office in Boston to answer questions with independent</p> <p>21 counsel.</p> <p>22 MR. McCARRON: Objection.</p> <p>23 A I stated forth the reasons in my 20 --</p> <p>24 January 28th letter.</p> <p>25 Q Okay. So there are no other reasons, right,</p>	<p style="text-align: right;">Page 117</p> <p>1 Q Am I correct that December 21st, 2018 is</p> <p>2 before January 9th, 2019?</p> <p>3 A Yes.</p> <p>4 Q Okay. And in that discussion that you had</p> <p>5 with Mr. Rees, following that discussion he sends you</p> <p>6 an email asking for you and Mr. Poulos to appear in</p> <p>7 Boston to speak with their counsel pursuant to any</p> <p>8 investigation, right?</p> <p>9 MR. McCARRON: You can re -- he's not</p> <p>10 going to tell you what the email says. So if that's</p> <p>11 the way your question re -- as I heard it, you're</p> <p>12 asking Mr. Garabedian to tell you what the email says.</p> <p>13 That is Garabedian 14.</p> <p>14 Q Okay. Mr. Garabedian, I can read myself. So</p> <p>15 why don't you tell me how you interpreted Mr. Rees</p> <p>16 telling you he'd like to have independent counsel meet</p> <p>17 with you and your client in your offices in Boston.</p> <p>18 What did he mean by that? How did you understand that?</p> <p>19 MR. McCARRON: Okay. Which is it?</p> <p>20 Q How did you understand that?</p> <p>21 A Just what it says.</p> <p>22 Q That he wanted you to provide dates for</p> <p>23 Mr. Poulos to appear in your office in Boston, right?</p> <p>24 A Yes.</p> <p>25 Q Okay. And you would agree that in response</p>



<p style="text-align: right;">Page 118</p> <p>1 to his January 9th letter -- excuse me, email, you</p> <p>2 wrote a letter not providing dates saying advise if</p> <p>3 your client is agreeable to a mediation if Mr. Poulos's</p> <p>4 claim is found credible, right?</p> <p>5 A I wrote a letter saying these are the</p> <p>6 conditions.</p> <p>7 Q But when you, when you wrote "if Mr. Poulos's</p> <p>8 claim is found credible following an investigation,"</p> <p>9 what did you mean by that?</p> <p>10 A If they found him credible in an</p> <p>11 investigation, they would then attend a mediation.</p> <p>12 It's an agreement.</p> <p>13 Q It's an agreement?</p> <p>14 A I would like -- I would --</p> <p>15 MR. McCARRON: No. No. There's no</p> <p>16 question there.</p> <p>17 Q Did you interpret that as an agreement?</p> <p>18 A No, I was trying to reach an agreement.</p> <p>19 Q Did -- in, in looking at your letter, am I</p> <p>20 correct that at no point in time did you ever provide</p> <p>21 dates for Mr. Poulos and you to be in an office in</p> <p>22 Boston to meet with independent counsel?</p> <p>23 MR. McCARRON: Objection. He's --</p> <p>24 you've already, you've already gone through this about</p> <p>25 three, four times.</p>	<p style="text-align: right;">Page 120</p> <p>1 MR. McCARRON: Let's hear a question if</p> <p>2 you can.</p> <p>3 MR. JUBB: Okay.</p> <p>4 BY MR. JUBB:</p> <p>5 Q Mr. Garabedian, at any point in time did you</p> <p>6 provide dates to counsel for The Hill School that your</p> <p>7 client would appear at any point for an investigation?</p> <p>8 A No.</p> <p>9 MR. McCARRON: Objection.</p> <p>10 Q Why not?</p> <p>11 A The reasons are set forth in Exhibit 12.</p> <p>12 Q No where else, right?</p> <p>13 A I don't recall.</p> <p>14 Q *At any point in time did Mr. Rees ever</p> <p>15 indicate to you that part of any investigation would</p> <p>16 involve actually questioning your client?</p> <p>17 THE WITNESS: Can you repeat the</p> <p>18 question. I'm sorry I didn't hear the last two words.</p> <p>19 (*Record read)</p> <p>20 A I don't recall.</p> <p>21 Q Well, based on doing this, you know, 500 some</p> <p>22 cases you've got for the last five years, is it</p> <p>23 reasonable for a defend -- for some -- strike that.</p> <p>24 Is it reasonable, sir, when a lawyer asks to</p> <p>25 speak with your client in your own offices to conduct</p>
<p style="text-align: right;">Page 119</p> <p>1 MR. JUBB: I haven't.</p> <p>2 MR. McCARRON: Yes, you have. He's</p> <p>3 acknowledged that the letter doesn't include any dates.</p> <p>4 Do you --</p> <p>5 MR. JUBB: And my question was</p> <p>6 different.</p> <p>7 MR. McCARRON: I ...</p> <p>8 Q Mr. Garabedian, I'll ask it again.</p> <p>9 MR. McCARRON: I wish it was, but it</p> <p>10 wasn't.</p> <p>11 MR. JUBB: Listen closer.</p> <p>12 Q Mr. Garabedian, at any point in time --</p> <p>13 A Don't yell at me.</p> <p>14 Q At any -- I have to speak louder so</p> <p>15 Mr. Poulos can hear me.</p> <p>16 A Do not yell at me, please.</p> <p>17 MR. McCARRON: No, you don't.</p> <p>18 Mr. Poulos hasn't complained.</p> <p>19 MR. JUBB: I'm not yelling at anybody.</p> <p>20 MR. McCARRON: All right. There's an</p> <p>21 audio here.</p> <p>22 A You're raising your voice. You're raising</p> <p>23 your voice. I don't -- please don't raise your voice.</p> <p>24 Q I'm not raising my voice.</p> <p>25 A Yes, you are.</p>	<p style="text-align: right;">Page 121</p> <p>1 some sort of investigation to corroborate what you're</p> <p>2 writing in a letter?</p> <p>3 MR. McCARRON: Objection. I -- is it --</p> <p>4 what do you -- can you ...</p> <p>5 MR. JUBB: Sure. I'll --</p> <p>6 MR. McCARRON: My issue is with the term</p> <p>7 "reasonable". I ...</p> <p>8 MR. JUBB: Okay. Let me, let me --</p> <p>9 watch this. Strike that.</p> <p>10 Q Mr. Garabedian, when Mr. Rees is asking for</p> <p>11 Mr. Poulos to appear with you in your office in Boston</p> <p>12 with independent counsel did you believe that request</p> <p>13 to be somehow unreasonable?</p> <p>14 A Counsel's not independent.</p> <p>15 Q I see. So they were not independent counsel?</p> <p>16 A No.</p> <p>17 Q Okay. And tell me how you believe that to be</p> <p>18 the case.</p> <p>19 A It's been my experience that the counsel are</p> <p>20 paid for by the school, and by definition they're not</p> <p>21 independent.</p> <p>22 MR. McCARRON: It says right in the</p> <p>23 email. It says the -- by Mr. Rees, "the school's</p> <p>24 outside attorneys" and then it identifies the two</p> <p>25 lawyers that Mr. Rees then would like --</p>



<p style="text-align: right;">Page 122</p> <p>1 MR. JUBB: Would you like to testify, 2 Jeff? 3 MR. McCARRON: No, I'm just simply 4 saying your question is not based on good faith. 5 MR. JUBB: Yes, it is. 6 MR. McCARRON: It can't be. It can't 7 be. 8 MR. JUBB: Yes, it is. 9 MR. McCARRON: It can't be. To call 10 Gina Maisto Smith, no way, to be independent. No 11 chance. 12 Q Okay. Let me -- Mr. Garabedian -- 13 MR. McCARRON: No chance whatsoever. 14 MR. JUBB: Do -- which, which exhibit 15 are you referring to? 16 MR. McCARRON: Or Leslie Gomez who I do 17 not know but ... 18 MR. JUBB: Mr. ... I'm sorry -- 19 MR. McCARRON: He identifies them as 20 outside -- he says they're the out -- the school's, 21 apostrophe S, means that they're -- the school owns 22 Maisto and Gomez, that they represent the school. 23 That's what is stated by Mr. Rees. Your term 24 "independent"? No. 25 MR. JUBB: Okay. So in the future if</p>	<p style="text-align: right;">Page 124</p> <p>1 So I don't believe they're independent either. 2 MR. JUBB: Anything else you want to 3 say? 4 MR. McCARRON: Hey don't -- come on. 5 Don't be rude to him. 6 MR. JUBB: He came to me. 7 MR. McCARRON: To Mr. Poulos. 8 MR. JUBB: Anything else you'd like to 9 say? 10 MR. POULOS: No, I'm good. 11 MR. JUBB: Okay. 12 BY MR. JUBB: 13 Q Mr. Garabedian, please refer to Garabedian 51 14 in front of you which was marked as Garabedian 14, 15 okay? 16 A Yes. 17 Q I will rephrase my question without using the 18 word "independent". Am I correct that Mr. -- strike 19 that. 20 Am I correct that Mr. Rees is asking for 21 Mr. Poulos and you to appear in your office before 22 outside counsel? 23 A It says the school's outside the counsel. 24 The school's outside attorneys. 25 Q Okay.</p>
<p style="text-align: right;">Page 123</p> <p>1 you have an issue -- 2 MR. McCARRON: That's bad faith to even 3 ask a question that way. 4 MR. JUBB: It's not bad faith. 5 MR. McCARRON: What would you call it? 6 MR. JUBB: But your representation that 7 Gina Smith is anything but independent, I don't think 8 that has anything to do with this case. 9 MR. McCARRON: You just said -- your 10 question presumed -- you just said she was independent. 11 MR. JUBB: No, I just said it doesn't 12 have anything to do with being independent. 13 MR. McCARRON: I'm confused, but I'm not 14 sure that makes a difference. You and I can have a 15 separate discussion -- 16 MR. JUBB: Yeah. 17 MR. McCARRON: -- about that perhaps 18 but ... 19 BY MR. JUBB: 20 Q Mr. Garabedian, just look at the email in 21 front of you which is 51, okay. 22 MR. POULOS: Can I speak on the fact 23 that you just brought in the Cozen firm? They're not 24 independent. They were named in the initial or the 25 second email that came from the headmaster's office.</p>	<p style="text-align: right;">Page 125</p> <p>1 A Paragraph 2, it begins: The school's outside 2 attorneys Gina Maistro -- Maisto Smith, Esquire and 3 Leslie Gomez, Esquire would like to meet with 4 Mr. Poulos. It says the school's outside counsel, 5 attorneys. 6 Q I think that's what I just said. Okay. So 7 when you -- 8 A No, you didn't use -- 9 MR. McCARRON: Go ahead. What is the 10 question? 11 Q All right. So you actually do recall getting 12 this letter? 13 A No. 14 Q You're just interpreting it now, right? 15 A Yes. 16 Q Okay. And so am I correct that from this 17 email that was sent to your email address, whether or 18 not you looked at it or not, Mr. Rees was indicating 19 that the school's outside attorneys, Gina Smith and 20 Leslie Gomez of Cozen O'Connor would like to meet with 21 your client and you in your offices in Boston. Can we 22 agree on that? 23 MR. McCARRON: That that was his 24 understanding. Is that your question? Because that's 25 the only one you can have that's proper.</p>

<p style="text-align: right;">Page 126</p> <p>1 MR. JUBB: That he's asking, yeah.</p> <p>2 MR. McCARRON: Excuse me?</p> <p>3 MR. JUBB: That's what Mr. Rees is</p> <p>4 asking.</p> <p>5 MR. McCARRON: And you're asking for</p> <p>6 Mr. Garabedian's understanding.</p> <p>7 MR. JUBB: Yeah.</p> <p>8 MR. McCARRON: Okay. But he already</p> <p>9 told you he doesn't remember reading this at the time.</p> <p>10 MR. JUBB: Well, he had no problem just</p> <p>11 telling me what he was interpreting now.</p> <p>12 MR. McCARRON: Well, sure so you want to</p> <p>13 know now whether he interprets -- understands that</p> <p>14 that's what was asked by Mr. Rees?</p> <p>15 MR. JUBB: Jeff, let me do this. You</p> <p>16 know, you're interrupting like crazy. And my questions</p> <p>17 are not confusing.</p> <p>18 MR. McCARRON: No. No. No. Don't --</p> <p>19 I'm not.</p> <p>20 MR. JUBB: You are.</p> <p>21 MR. McCARRON: Don't characterize me as</p> <p>22 crazy.</p> <p>23 MR. JUBB: Jeff, your objections are all</p> <p>24 speaking objections. You've done more talking in the</p> <p>25 last -- after the break than he has.</p>	<p style="text-align: right;">Page 128</p> <p>1 letter reads, that's not a proper question. If you</p> <p>2 want to know what he understood this letter to mean at</p> <p>3 the time, I think you've already been through that. If</p> <p>4 you want to know if he read -- if reading this now does</p> <p>5 he understand that, it's not really proper or relevant,</p> <p>6 but I'm not going to interrupt the -- prevent him from</p> <p>7 answering that question. So which is it that you want</p> <p>8 to know?</p> <p>9 BY MR. JUBB:</p> <p>10 Q Mr. Garabedian, at any point in time did you</p> <p>11 learn that The Hill School was asking for your client</p> <p>12 and you to appear in Boston as part of any sort of</p> <p>13 investigation?</p> <p>14 A I don't recall.</p> <p>15 Q Well, in looking at this letter and seeing</p> <p>16 what it says do you believe that that's somehow</p> <p>17 unreasonable?</p> <p>18 MR. McCARRON: Objection.</p> <p>19 A The letter requests that.</p> <p>20 Q Okay. And can you tell us --</p> <p>21 MR. McCARRON: It's an email actually,</p> <p>22 but yeah.</p> <p>23 A I'm sorry. Email.</p> <p>24 Q Can you tell us why at no point in time did</p> <p>25 you provide dates for Mr. Poulos to appear for any sort</p>
<p style="text-align: right;">Page 127</p> <p>1 MR. McCARRON: No. No. No. No.</p> <p>2 MR. JUBB: Well, you've testified more</p> <p>3 for him and have more recollection than he does.</p> <p>4 MR. McCARRON: No. No.</p> <p>5 MR. JUBB: Okay. Well --</p> <p>6 MR. McCARRON: I just under -- I know</p> <p>7 the rules and I understand --</p> <p>8 MR. JUBB: I don't believe you do so --</p> <p>9 MR. McCARRON: Oh, seriously.</p> <p>10 MR. JUBB: I don't because --</p> <p>11 MR. McCARRON: Really. Okay.</p> <p>12 MR. JUBB: I've never seen someone that</p> <p>13 had more speaking objections than this.</p> <p>14 MR. McCARRON: Well, that's a rude</p> <p>15 statement for you to make.</p> <p>16 MR. JUBB: Well, I've never seen</p> <p>17 somebody have more speaking objections in a federal</p> <p>18 court deposition.</p> <p>19 MR. McCARRON: Well, that's shame that</p> <p>20 you haven't, but that doesn't mean that the other</p> <p>21 people were doing it correctly, and I'm doing it</p> <p>22 incorrectly now.</p> <p>23 My issue is that you're asking -- I told</p> <p>24 you -- we've been through this before. If what you're</p> <p>25 asking for is Mr. Garabedian to tell you what the</p>	<p style="text-align: right;">Page 129</p> <p>1 of investigation?</p> <p>2 A The reason isn't on -- is on Exhibit 12.</p> <p>3 Q And, and I don't understand that. Tell me</p> <p>4 the reasons. Because you just said here you'd rather</p> <p>5 do a mediation if he's found credible, right?</p> <p>6 A It says: Pursuant to our telephone</p> <p>7 conversation on December 21, 2018, please advise me as</p> <p>8 to your client's position with regard to my</p> <p>9 recommendation that the parties agree to attend the</p> <p>10 mediation if Mr. Poulos's claim is found credible</p> <p>11 following an investigation.</p> <p>12 Q Where does it say anything in here about that</p> <p>13 he will not appear to answer questions for an</p> <p>14 investigation?</p> <p>15 A This is -- this was my response as I recall.</p> <p>16 Q Okay. And I'm asking you where in here does</p> <p>17 it say that he will not appear as part of an</p> <p>18 investigation?</p> <p>19 MR. McCARRON: Just a second. You're</p> <p>20 pointing at a piece of paper. The record doesn't take</p> <p>21 down what you're pointing at. So what is it your</p> <p>22 referring to, sir?</p> <p>23 Q Okay. Mr. Garabedian, on Garabedian 49 which</p> <p>24 was marked in this deposition --</p> <p>25 MR. McCARRON: Garabedian 12?</p>

<p style="text-align: right;">Page 130</p> <p>1 Q Excuse me, Garabedian ...</p> <p>2 MR. McCARRON: Exhibit 12.</p> <p>3 Q ... 47. Strike that.</p> <p>4 Mr. Garabedian, do you have Exhibit 12 in</p> <p>5 front of you?</p> <p>6 A Yes.</p> <p>7 Q Okay. It's Garabedian 47, correct?</p> <p>8 A Yes.</p> <p>9 Q Where in this letter do you say that your</p> <p>10 client is not going to appear?</p> <p>11 A The letter says it. It's preconditioned to</p> <p>12 appearing is what is in here. I also say: As I</p> <p>13 informed you during our telephone conversation on</p> <p>14 December 21, 2018, Mr. Poulos will not agree to</p> <p>15 confidentiality as a condition to any settlement of his</p> <p>16 sexual abuse claim.</p> <p>17 Q And when you wrote "is found credible</p> <p>18 following investigation", what did you mean by</p> <p>19 investigation?</p> <p>20 A An investigation.</p> <p>21 Q In other words, you wanted the school to look</p> <p>22 into his claims without Mr. Poulos actually appearing</p> <p>23 for questioning; is that right?</p> <p>24 A I don't recall that. I mean I -- what I</p> <p>25 believe is that any questioning of Mr. Poulos is the</p>	<p style="text-align: right;">Page 132</p> <p>1 Am I correct that -- strike that.</p> <p>2 Did Mr. Rees ever respond to you?</p> <p>3 A I don't recall.</p> <p>4 Q Did he ever say, well, an investigation like</p> <p>5 you just testified to involves him appearing for</p> <p>6 questioning?</p> <p>7 A I don't recall.</p> <p>8 MR. JUBB: Garabedian 16 is a document</p> <p>9 that was previously produced as Garabedian 46. Or</p> <p>10 strike that. I believe we're at 15.</p> <p>11 MR. McCARRON: Yeah, I was going to ask</p> <p>12 you.</p> <p>13 MR. JUBB: Garabedian 15 is a document</p> <p>14 that was previously produced as Garabedian 46.</p> <p>15 (Exhibit 15 marked</p> <p>16 for identification)</p> <p>17 Q Mr. Garabedian, I know this was an email that</p> <p>18 was sent to you, but I imagine your testimony is you</p> <p>19 may or may not have --</p> <p>20 MR. McCARRON: You're not going to</p> <p>21 presume. Just ask --</p> <p>22 MR. JUBB: Okay.</p> <p>23 Q Mr. Garabedian, did you read this?</p> <p>24 A Let me read it, please.</p> <p>25 (Pause.)</p>
<p style="text-align: right;">Page 131</p> <p>1 beginning of an investigation.</p> <p>2 Q I agree.</p> <p>3 A Okay. And I wanted preconditions set before</p> <p>4 the investigation began.</p> <p>5 And don't point at me, please.</p> <p>6 Q And what were those preconditions?</p> <p>7 A Pursuant to our telephone conversation of</p> <p>8 December 21, 2018, please advise me as to your client's</p> <p>9 position with regard to my recommendation that the</p> <p>10 parties agree to attend mediation if Mr. Poulos's claim</p> <p>11 is found credible following an investigation. As I</p> <p>12 informed you during our telephone conversation on</p> <p>13 December 21, 2018, Mr. Poulos will not agree to</p> <p>14 confidentiality as a condition to any settlement of his</p> <p>15 sexual abuse claim. Those were the conditions.</p> <p>16 Q In other words, in looking at this now</p> <p>17 since -- am I correct you don't actually recall</p> <p>18 receiving this letter?</p> <p>19 A No.</p> <p>20 Q Okay. And you can actually recall now what</p> <p>21 your think -- thinking was at that time, correct?</p> <p>22 A I'm just reading the letter.</p> <p>23 Q Oh. And am I correct --</p> <p>24 A Excuse me.</p> <p>25 Q I said oh.</p>	<p style="text-align: right;">Page 133</p> <p>1 A Okay. Thank you.</p> <p>2 Q All right. In the second paragraph of this</p> <p>3 email from Mr. Rees dated January 30, 2019 in response</p> <p>4 to your January 28th letter he wrote: In both your</p> <p>5 December 21 phone call and your January 28 letter, you</p> <p>6 acknowledged that the School needs to assess whether</p> <p>7 Mr. Poulos' claim is credible following an</p> <p>8 investigation. We agree that an investigation is the</p> <p>9 first step and meeting with Ms. Smith and Ms. Gomez is</p> <p>10 an essential element of that investigation. Did he</p> <p>11 express to you that sentiment in your phone call on</p> <p>12 December 21st?</p> <p>13 A I don't recall.</p> <p>14 Q In the first paragraph, last sentence where</p> <p>15 he says: Please let me know if you are agreeable to</p> <p>16 this meeting and (if you agree) a range of dates when</p> <p>17 you and Mr. Poulos could meet with Ms. Smith and</p> <p>18 Ms. Gomez. Did you ever provide him dates?</p> <p>19 A I don't recall.</p> <p>20 Q Do you have any understanding as to whether</p> <p>21 or not -- strike that.</p> <p>22 I failed to ask this question. In Garabedian</p> <p>23 12 is that your initials at the bottom?</p> <p>24 A I think so.</p> <p>25 Q All right. So this actually may be a letter</p>

<p style="text-align: right;">Page 134</p> <p>1 that you wrote? Is that right?</p> <p>2 A Is that a question?</p> <p>3 Q Yeah. So this actually may be a letter that</p> <p>4 you wrote, correct?</p> <p>5 A Excuse me?</p> <p>6 Q I said so this actually may be a letter that</p> <p>7 you wrote, correct?</p> <p>8 A Well, I may have written the other ones too.</p> <p>9 Q Okay. But you may also not have, right?</p> <p>10 A Right.</p> <p>11 Q Do you have any reason to believe that you</p> <p>12 wrote the January 28th, 2019 letter?</p> <p>13 A I don't recall.</p> <p>14 Q All right. Any recollection of actually</p> <p>15 receiving Mr. Rees's email of January 30th, 2019?</p> <p>16 A No.</p> <p>17 MR. McCARRON: What kind of party is</p> <p>18 going on out there, jeesh.</p> <p>19 MR. JUBB: Let's go off the record for a</p> <p>20 second, please.</p> <p>21 THE VIDEOGRAPHER: The time is</p> <p>22 12:35 p.m. We're off the record.</p> <p>23 (Break was taken.)</p> <p>24 THE VIDEOGRAPHER: The time is</p> <p>25 12:37 a.m. We're on the record.</p>	<p style="text-align: right;">Page 136</p> <p>1 (Exhibit 16 marked</p> <p>2 for identification)</p> <p>3 Q All right. Mr. Garabedian, I've handed you</p> <p>4 what I've marked Garabedian 16 which is The Hill</p> <p>5 School's production 225, also P16.225 and 226. Have</p> <p>6 you seen this letter before?</p> <p>7 A I don't recall. I, I believe I saw it as an</p> <p>8 exhibit.</p> <p>9 Q And I imagine -- strike that.</p> <p>10 Were you served with the initial complaint?</p> <p>11 A I don't remember.</p> <p>12 Q Did you ever look at the complaint?</p> <p>13 A What com -- which complaint are you talking</p> <p>14 about? I'm sorry.</p> <p>15 Q I'm sorry. It's my understanding there was</p> <p>16 never a complaint filed in this case other than the one</p> <p>17 that I filed against you initially.</p> <p>18 A Okay.</p> <p>19 Q So you looked at the complaint, correct?</p> <p>20 A Briefly a long time ago.</p> <p>21 Q Well, in 2019 in April did you look at the</p> <p>22 exhibits that were attached to it?</p> <p>23 A No, I don't think so. I may have. I don't</p> <p>24 recall. You're talking about April of 2019?</p> <p>25 Q Yeah, when you got sued and were named as a</p>
<p style="text-align: right;">Page 135</p> <p>1 BY MR. JUBB:</p> <p>2 Q Mr. Garabedian, in terms of the production of</p> <p>3 emails in this case can you tell me the individuals who</p> <p>4 were involved in actually searching their, their</p> <p>5 Outlook folders?</p> <p>6 A No.</p> <p>7 Q You can't.</p> <p>8 As the firm owner and manager do you believe</p> <p>9 that any of your associates produced the emails from</p> <p>10 their Outlook folders?</p> <p>11 A Prob -- yes, probably.</p> <p>12 Q Do you believe that you have produced all of</p> <p>13 the emails that you had sent to Mr. Poulos in this</p> <p>14 case?</p> <p>15 A I believe so.</p> <p>16 Q I just want to go through a couple of things</p> <p>17 here. The first is -- well, strike that.</p> <p>18 MR. McCARRON: Don't answer that.</p> <p>19 MR. JUBB: I said strike that.</p> <p>20 MR. McCARRON: You didn't say much</p> <p>21 anyway. I'm just teasing you.</p> <p>22 MR. JUBB: Oh.</p> <p>23 All right. This is going to be marked</p> <p>24 as Garabedian 16 which is Hill School's production 225</p> <p>25 and 226.</p>	<p style="text-align: right;">Page 137</p> <p>1 defendant in this lawsuit did you read the complaint?</p> <p>2 A Probably, yeah.</p> <p>3 Q And you looked at the exhibits that were</p> <p>4 attached to it?</p> <p>5 A Probably.</p> <p>6 Q All right. When you saw -- do you believe</p> <p>7 that -- strike that.</p> <p>8 I'll represent to you that this letter was</p> <p>9 attached as an exhibit to the complaint, all right.</p> <p>10 When you reviewed that did you have any recollection of</p> <p>11 actually writing this letter yourself?</p> <p>12 A No, I don't recall.</p> <p>13 Q As you sit here today do you have any reason</p> <p>14 to believe -- strike that.</p> <p>15 As you sit here today do you believe that you</p> <p>16 wrote this letter yourself?</p> <p>17 A I don't recall.</p> <p>18 Q In other words, you can't say one way or the</p> <p>19 other whether or not you wrote this letter yourself; is</p> <p>20 that correct?</p> <p>21 A I don't recall specifically.</p> <p>22 Q Does that mean that I'm correct, sir?</p> <p>23 A I don't know what you mean.</p> <p>24 Q You cannot -- as you sit here today, you</p> <p>25 cannot say one way or the other whether or not you</p>

<p style="text-align: right;">Page 138</p> <p>1 wrote this letter or someone else wrote it, fair?</p> <p>2 A I don't remember specifically writing this</p> <p>3 letter.</p> <p>4 Q Okay. And if you don't remember am I correct</p> <p>5 it's possible that someone else could have written this</p> <p>6 letter; is that correct?</p> <p>7 A I, I -- all I can say is I don't specifically</p> <p>8 remember writing this letter.</p> <p>9 Q All right. And as of December of 2018 am I</p> <p>10 correct in understanding that other associates at your</p> <p>11 firm had the ability to draft letters like this on your</p> <p>12 letterhead with your name at the bottom?</p> <p>13 A Yes.</p> <p>14 Q And I take that to mean that in this case</p> <p>15 that could have happened, but we can't say one or the</p> <p>16 other; is that fair?</p> <p>17 A Yes.</p> <p>18 Q Now, in looking at this on the second page,</p> <p>19 which is Hill production 226, do those initials appear</p> <p>20 to be your handwriting?</p> <p>21 A I'm not sure.</p> <p>22 Q Okay. At the top of this production it says</p> <p>23 December 26, 2018, 4:51 p.m., Mitchell Garabedian Law</p> <p>24 with a number there. Was this faxed to the school?</p> <p>25 A Apparently.</p>	<p style="text-align: right;">Page 140</p> <p>1 letterhead and sent them to The Hill School?</p> <p>2 A No. I don't recall doing that.</p> <p>3 Q When you got the complaint and looked at the</p> <p>4 exhibits do you recall having any sort of recollection</p> <p>5 or impression, if you will, that, oh, yeah, that's the</p> <p>6 letter that I, that I wrote?</p> <p>7 A I don't recall that.</p> <p>8 Q Did you have -- strike that.</p> <p>9 In reviewing the complaint and the exhibits</p> <p>10 attached thereto did you have any sort of feeling or</p> <p>11 reaction that in reviewing these letters you said I</p> <p>12 didn't write those letters?</p> <p>13 A I don't recall that.</p> <p>14 Q When -- strike that.</p> <p>15 In the 2018/2019 timeframe when clients are</p> <p>16 asking you for an update via email was there a, a</p> <p>17 pattern and practice of writing to them?</p> <p>18 A No, not necessarily.</p> <p>19 Q Do you have any records suggesting that you</p> <p>20 were speaking with -- strike that.</p> <p>21 MR. JUBB: This is going to be</p> <p>22 Garabedian 17 which is Garabedian Email 67.</p> <p>23 (Exhibit 17 marked</p> <p>24 for identification)</p> <p>25 Q Again, any recollection of receiving this</p>
<p style="text-align: right;">Page 139</p> <p>1 Q Strike that.</p> <p>2 This was a fax to Mr. Rees, correct?</p> <p>3 A I bel -- well, apparently, based on the way</p> <p>4 the letter is structured. I mean at the top of the</p> <p>5 letter on the first page it says via fax, and there's a</p> <p>6 fax number. That looks like my signature.</p> <p>7 Q All right. Did you review this letter in</p> <p>8 anticipation of today?</p> <p>9 A I believe it was an exhibit in a deposition.</p> <p>10 Q *And in going through this letter that your</p> <p>11 office sent to Mr. Rees on December 26, 2018, did you</p> <p>12 recall actually speaking with Mr. Poulos about some of</p> <p>13 the things that are claimed in this letter?</p> <p>14 THE WITNESS: Can you repeat the</p> <p>15 question, please.</p> <p>16 (*Record read)</p> <p>17 A I spof -- specifically don't remember, but I</p> <p>18 do -- I did speak to Mr. Poulos.</p> <p>19 Q Have you had any discussions with the</p> <p>20 attorneys in your office as to who wrote this letter?</p> <p>21 A No. Not recently. I may have in the past,</p> <p>22 but I don't recall those discussions.</p> <p>23 Q After you were sued in this matter did you</p> <p>24 make any sort of efforts to determine who was the</p> <p>25 attorney who actually wrote these letters on your</p>	<p style="text-align: right;">Page 141</p> <p>1 email?</p> <p>2 A No.</p> <p>3 Q Am I correct that as of February 2019 the</p> <p>4 other members of your office may have received this</p> <p>5 email?</p> <p>6 A I don't know.</p> <p>7 Q Okay. It says: Hey Mitchell I just wanted</p> <p>8 to check in and see how things are going with The Hill</p> <p>9 School. I haven't heard anything from you guys since I</p> <p>10 did that phone interview with your associate a while</p> <p>11 back. I'm hoping to put this whole thing in the rear</p> <p>12 view as soon as possible so I can move forward with my</p> <p>13 life. Thanks so much for everything!</p> <p>14 Again, refresh your recollection as to</p> <p>15 whether or not you recall receiving this from</p> <p>16 Mr. Poulos?</p> <p>17 A I don't recall. I'm sorry.</p> <p>18 Q Okay. And does this refresh your</p> <p>19 recollection at all as to whether or not it was in fact</p> <p>20 your associate who did the initial phone interview?</p> <p>21 A No.</p> <p>22 Q If -- I'll, I'll represent to you -- strike</p> <p>23 that.</p> <p>24 I'll represent to you that -- strike that.</p> <p>25 You reviewed this email that was an exhibit</p>

<p style="text-align: right;">Page 142</p> <p>1 to Mr. Poulos's deposition, correct?</p> <p>2 A Are you referring to Exhibit 17?</p> <p>3 Q I am, sir.</p> <p>4 A Yeah.</p> <p>5 Q Do you recall Mr. Poulos's testimony that he</p> <p>6 was referring to the initial phone interview, that</p> <p>7 intake process that he hasn't heard from your office</p> <p>8 since then?</p> <p>9 A No.</p> <p>10 Q Do you have any reason to disagree with him</p> <p>11 that he hadn't heard from your office for an update</p> <p>12 after his initial interview?</p> <p>13 A No.</p> <p>14 MR. JUBB: Why don't we take a five-to-</p> <p>15 ten-minute break so if anyone needs to -- I think</p> <p>16 Mr. Poulos had indicated he has to take his dog out.</p> <p>17 MR. McCARRON: Mr. Poulos, this is your</p> <p>18 chance to take your dog out, okay.</p> <p>19 MR. POULOS: He's fine.</p> <p>20 MR. JUBB: Okay.</p> <p>21 MR. McCARRON: I'm not telling you not</p> <p>22 to -- well, do what you want.</p> <p>23 MR. JUBB: It's 12:50. I mean let's do</p> <p>24 a five-minute break.</p> <p>25 THE VIDEOGRAPHER: The time is</p>	<p style="text-align: right;">Page 144</p> <p>1 A I may have.</p> <p>2 Q And what do you recall about that?</p> <p>3 A I don't recall.</p> <p>4 Q So my question was if you recall anything.</p> <p>5 A I don't recall anything specific.</p> <p>6 Q All right. Did you have any discussions with</p> <p>7 her by phone?</p> <p>8 A I may have.</p> <p>9 Q Do you recall any of those discussions?</p> <p>10 A No.</p> <p>11 Q What about discussions with your associates</p> <p>12 pertaining to Mr. Poulos, did you have any discussions</p> <p>13 with your associates as it pertains to Mr. Poulos?</p> <p>14 A I probably I did.</p> <p>15 Q Do you have any recollection of actually</p> <p>16 speaking to your associates about Mr. Poulos?</p> <p>17 A Not specifically.</p> <p>18 MR. JUBB: Here's Garabedian 18 which is</p> <p>19 Garabedian File 01 through 40.</p> <p>20 (Exhibit 18 marked</p> <p>21 for identification)</p> <p>22 (Pause.)</p> <p>23 MR. McCARRON: What would you like to</p> <p>24 know?</p> <p>25 MR. JUBB: I'm just waiting for him to</p>
<p style="text-align: right;">Page 143</p> <p>1 12:50 p.m. We're off the record.</p> <p>2 (Break was taken.)</p> <p>3 THE VIDEOGRAPHER: The time is</p> <p>4 12:58 p.m. We're on the record.</p> <p>5 MR. McCARRON: I have an objection to</p> <p>6 your last question because I do not believe it was</p> <p>7 bas -- good -- expressed on a good faith basis since</p> <p>8 you are aware, Mr. Jubb, that there's substantial</p> <p>9 evidence of communication that existed between the</p> <p>10 Garabedian firm and Mr. Poulos in between the initial</p> <p>11 intake interview and the point in time that is</p> <p>12 referenced in Garabedian Exhibit 17.</p> <p>13 MR. JUBB: Okay.</p> <p>14 BY MR. JUBB:</p> <p>15 Q Mr. Garabedian, after you were sued in this</p> <p>16 case did you have any discussions with Mr. Poulos?</p> <p>17 A I don't recall. I think there were some</p> <p>18 discussions about my representing him.</p> <p>19 Q After you were first sued and he was also</p> <p>20 named as a defendant did you provide Mr. Poulos with</p> <p>21 any sort of legal advice?</p> <p>22 A I don't recall.</p> <p>23 Q So in terms of Mrs. Poulos's discussions that</p> <p>24 you had with her do you have any recollection of ever</p> <p>25 communicating with her by email?</p>	<p style="text-align: right;">Page 145</p> <p>1 finish looking through it.</p> <p>2 Q Mr. Garabedian, does that appear to be the</p> <p>3 handwritten notes that were part of Mr. Poulos's file?</p> <p>4 A I believe so.</p> <p>5 Q And am I correct that you reviewed them which</p> <p>6 were attached to Mr. Poulos's deposition?</p> <p>7 A No.</p> <p>8 Q So in Mr. Poulos's deposition you never</p> <p>9 reviewed these notes before today?</p> <p>10 A I may have reviewed some of them.</p> <p>11 Q All right. Did you review -- strike that.</p> <p>12 Go to the last page, Garabedian 40, for me,</p> <p>13 please.</p> <p>14 A Okay.</p> <p>15 Q Are you there? Is that your handwriting?</p> <p>16 A I don't believe so.</p> <p>17 Q At the top it says: Perps Tom Ruth</p> <p>18 Mr. Ralston. Do you see that?</p> <p>19 A Yes.</p> <p>20 Q Did Mr. Poulos say to you that Mr. Ruth was a</p> <p>21 perpetrator?</p> <p>22 A A sexual abuser?</p> <p>23 Q Yeah.</p> <p>24 A No. Not that I recall.</p> <p>25 Q Do you know whose handwriting this is?</p>



<p style="text-align: right;">Page 146</p> <p>1 A I'm not sure. It's one of my associates.</p> <p>2 Q Now, was there a practice as of December 2017</p> <p>3 where your associates would be documenting</p> <p>4 conversations between you and them and clients?</p> <p>5 A Between myself and my associates?</p> <p>6 Q Yeah, and the clients.</p> <p>7 A Yes.</p> <p>8 Q All right. At the bottom where it says: MG:</p> <p>9 don't talk to school "counselors", do you recall</p> <p>10 telling Mr. Poulos that?</p> <p>11 A No. Specifically, no.</p> <p>12 Q In looking at this handwriting can you tell</p> <p>13 us anyway -- strike that.</p> <p>14 Do you have any -- strike that.</p> <p>15 If you look at the top it says MG/ and then</p> <p>16 some initials that are cut off there. Do you see that?</p> <p>17 A Yes.</p> <p>18 Q Do you know who wrote this?</p> <p>19 A No.</p> <p>20 Q If you go to -- a couple pages before that,</p> <p>21 file 33?</p> <p>22 A Yes.</p> <p>23 Q All right. At the top of that it's now in</p> <p>24 blue ink it says: DM. Is that Mr. Mahoney?</p> <p>25 A Yes. I believe so.</p>	<p style="text-align: right;">Page 148</p> <p>1 A Sometimes.</p> <p>2 Q Do you reject cases where the statute of</p> <p>3 limitations has expired?</p> <p>4 A Sometimes.</p> <p>5 Q And other times you accept cases when the</p> <p>6 statute of limitations has expired?</p> <p>7 A Yes.</p> <p>8 Q Does anything come to mind?</p> <p>9 A I don't understand the question. I'm sorry.</p> <p>10 Q Sure. What cases come to mind that you're</p> <p>11 rejecting based off statute of limitations?</p> <p>12 A Nothing comes to mind. It could be a case</p> <p>13 where I don't understand the statute of limitations or</p> <p>14 it's just the statute of limitations is gone, and it's</p> <p>15 another country, something like that.</p> <p>16 Q Have you ever rejected a case in the United</p> <p>17 States where the statute of limitations was blown?</p> <p>18 A Yes.</p> <p>19 Q Why?</p> <p>20 A Because I may not -- not -- may not represent</p> <p>21 victims in that state, for instance.</p> <p>22 Q As you sit here today do you have any</p> <p>23 recollection of actually hearing Mr. Poulos's initial</p> <p>24 intake statement?</p> <p>25 A No.</p>
<p style="text-align: right;">Page 147</p> <p>1 Q All right. The date is 12/12/17?</p> <p>2 A Yeah.</p> <p>3 Q Would it be fair to assume that this</p> <p>4 discussion with Mr. Poulos occurred with Mr. Mahoney</p> <p>5 and him?</p> <p>6 A I may have been involved. I don't know.</p> <p>7 Along, along with Mr. Mahoney. I may have been</p> <p>8 involved along with Mr. Mahoney. I ...</p> <p>9 Q In other words, at the top even though it</p> <p>10 just says his initials, you're saying you could have</p> <p>11 been involved?</p> <p>12 A Yes.</p> <p>13 Q Going back to that first page, Garabedian</p> <p>14 File 40.</p> <p>15 A The -- excuse me. Which one?</p> <p>16 Q Garabedian File 40, the last page.</p> <p>17 A Oh, okay.</p> <p>18 Q Did you tell Mr. Poulos as of December 12th,</p> <p>19 2017 that the statute of limitations on his case had</p> <p>20 expired?</p> <p>21 A I don't recall specifically.</p> <p>22 Q Is that something that you would have a</p> <p>23 pattern and practice of telling clients when they call?</p> <p>24 A Yes.</p> <p>25 Q Do you write your own rejection letters?</p>	<p style="text-align: right;">Page 149</p> <p>1 Q Now, if we go to Garabedian File 31, this --</p> <p>2 at the top it says DM/MG. Does that indicate that you</p> <p>3 were on this phone call with Mr. Mahoney?</p> <p>4 A Probably.</p> <p>5 Q And it says: Kurtis Poulos. File. Phone.</p> <p>6 Mary Ellen Poulos. Does this reflect a conversation</p> <p>7 that you had with Ms. Poulos?</p> <p>8 A I don't recall specifically but apparently.</p> <p>9 Q Do you recall the Pouloses ever telling you</p> <p>10 that the former president Trump's children went The</p> <p>11 Hill School?</p> <p>12 A I believe I saw that in the notes. They may</p> <p>13 have told me.</p> <p>14 Q Look on Garabedian File 30. Whose</p> <p>15 handwriting is that?</p> <p>16 A I believe that's Nathan's, Nathan Gaul's.</p> <p>17 Q How old is Mr. Gaul?</p> <p>18 A I don't know. He's been with me about 15</p> <p>19 years. I don't know how old he is.</p> <p>20 Q Did he have any experience with this type of</p> <p>21 work before coming to your office?</p> <p>22 A I don't, I don't know.</p> <p>23 Q In oth -- strike that.</p> <p>24 Did he come to your office after law school?</p> <p>25 A Pretty close to if not right after.</p>



<p style="text-align: right;">Page 150</p> <p>1 Q And at the top of his handwritten notes it</p> <p>2 says: MG, NG. Does that mean that you were likely on</p> <p>3 this phone call?</p> <p>4 A Yes.</p> <p>5 Q Can you go to Garabedian File 24, please.</p> <p>6 A Sure. Yes.</p> <p>7 Q All right. Whose handwriting is this?</p> <p>8 A It's not mine. I think it's Nathan's.</p> <p>9 Q Okay. And it says: MG tells client the</p> <p>10 school is giving us the runaround. Have you ever told</p> <p>11 a client that someone's giving them the runaround?</p> <p>12 A I don't specifically recall, but, you know,</p> <p>13 it's happened.</p> <p>14 Q Is that an expression you use?</p> <p>15 A What?</p> <p>16 Q Someone's giving you the runaround?</p> <p>17 A Not commonly but ...</p> <p>18 Q As of April 3rd, 2019 -- strike that.</p> <p>19 Do you have any reason to believe that</p> <p>20 Mr. Gaul inaccurately documented the notes of your</p> <p>21 discussion with Mr. Poulos?</p> <p>22 A No.</p> <p>23 Q Do you believe based off this that you told</p> <p>24 Mr. Poulos the school was giving you the runaround?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 152</p> <p>1 A My January 28 letter. I don't know if you</p> <p>2 want me to read it again to you, but it's -- that's my</p> <p>3 position.</p> <p>4 Q Is it your testimony that as of April 3rd,</p> <p>5 2019 when you had a discussion with Mr. Poulos that you</p> <p>6 would not allow him to participate in any sort of</p> <p>7 investigation unless the school agreed to mediate after</p> <p>8 the investigation?</p> <p>9 A Again, it's set forth in the letter.</p> <p>10 Q Okay. So to the extent that the letter</p> <p>11 doesn't say that --</p> <p>12 MR. McCARRON: I'm sorry. Let's try</p> <p>13 this again. Can you -- the letter doesn't say what?</p> <p>14 Q So to the extent that that letter does not</p> <p>15 say we will not participate in any investigation unless</p> <p>16 you agree to mediate this after the investigation,</p> <p>17 unless the letter says that, then that's not your</p> <p>18 position here?</p> <p>19 MR. McCARRON: Objection. That's what</p> <p>20 the letter says.</p> <p>21 A You're not even -- there's no --</p> <p>22 MR. JUBB: The letter does not say that.</p> <p>23 MR. McCARRON: Yeah, it does.</p> <p>24 Q Okay. Mr. Garabedian, --</p> <p>25 MR. McCARRON: What do you mean it</p>
<p style="text-align: right;">Page 151</p> <p>1 Q Can you tell us in your own words what, what</p> <p>2 you believe the school would be doing that was giving</p> <p>3 you the runaround?</p> <p>4 A I don't recall.</p> <p>5 Q So in other words, from the time that</p> <p>6 Mr. Poulos contacted you to the first time you</p> <p>7 contacted the school to today, you can't think of any</p> <p>8 reason as you sit here as to why the school was -- or</p> <p>9 strike that.</p> <p>10 As you sit here today, you can't think of any</p> <p>11 reason or any example of the school giving you the</p> <p>12 runaround?</p> <p>13 MR. McCARRON: Objection.</p> <p>14 A Well, we had asked them for certain</p> <p>15 conditions as preconditions to the investigation, and</p> <p>16 they didn't agree apparently.</p> <p>17 Q *Is it your testimony that Mr. Poulos would</p> <p>18 not agree to an investigation unless the school agreed</p> <p>19 to mediate after the investigation?</p> <p>20 THE WITNESS: Can you repeat the</p> <p>21 question?</p> <p>22 (*Record read)</p> <p>23 A Well, I set it for -- set forth the position</p> <p>24 in my letter and your ...</p> <p>25 MR. McCARRON: Exhibit 12.</p>	<p style="text-align: right;">Page 153</p> <p>1 doesn't?</p> <p>2 Q -- can you show me in that letter where you</p> <p>3 say we're not going to have Mr. Poulos appear in any</p> <p>4 sort of investigation unless you agree to mediate?</p> <p>5 MR. McCARRON: Objection.</p> <p>6 Q It doesn't say that, does it?</p> <p>7 A No, you're not reading -- asking the proper</p> <p>8 question. I'm sorry. My position was clear, and</p> <p>9 you're leaving out the word if he's found credible.</p> <p>10 Pursuant to our telephone con -- this is</p> <p>11 Exhibit 12, excuse me. Pursuant to our telephone</p> <p>12 conversation on December 21, 2018, please advise me as</p> <p>13 to your client's position with regard to my</p> <p>14 recommendation that the parties agree to attend</p> <p>15 mediation if Mr. Poulos's claim is found credible</p> <p>16 following an investigation. As I informed you during</p> <p>17 our telephone conversation on December 21, 2018,</p> <p>18 Mr. Poulos will not agree to confidentiality as a</p> <p>19 condition to any settlement of his sexual abuse claim.</p> <p>20 That was my position, sir.</p> <p>21 Q Does that letter -- was that -- strike that.</p> <p>22 I think we've already talked about that</p> <p>23 you're unsure as to whether or not you wrote that</p> <p>24 letter, correct?</p> <p>25 A But that's what the letter says.</p>

<p style="text-align: right;">Page 154</p> <p>1 Q I can read what the letter says.</p> <p>2 A Okay.</p> <p>3 Q Is it your testimony that that letter was</p> <p>4 intended to express to The Hill School that Mr. Poulos</p> <p>5 would not appear for an investigation unless they said</p> <p>6 to you we'll agree to a mediation following the</p> <p>7 investigation if he's found credible?</p> <p>8 A That's what the letter says.</p> <p>9 Q Okay. And so did the school ever contact</p> <p>10 you --</p> <p>11 A And they agree to not impose a</p> <p>12 confidentiality agreement.</p> <p>13 Q And in other words, if the school did not get</p> <p>14 back to you and say we'll mediate this case -- strike</p> <p>15 that.</p> <p>16 Is it your testimony that if the school did</p> <p>17 not respond saying we'll agree to mediate this if after</p> <p>18 the investigation he's found credible, that there was</p> <p>19 no further discussion that was needed to be had?</p> <p>20 A And they'd have to agree to no</p> <p>21 confidentiality.</p> <p>22 Q And if they did that then you would have</p> <p>23 what, responded to their emails?</p> <p>24 A I would have proceeded with an</p> <p>25 investigation -- in the investigation.</p>	<p style="text-align: right;">Page 156</p> <p>1 Q Now, with the expression "giving you the</p> <p>2 runaround", what does that mean?</p> <p>3 A They're not being direct. They're not</p> <p>4 responding to my statement in January of -- in Exhibit</p> <p>5 12.</p> <p>6 Q Can you turn to Garabedian File 16. It's</p> <p>7 right in front of you.</p> <p>8 A Yes.</p> <p>9 Q Whose handwriting is that?</p> <p>10 A That's my handwriting I believe.</p> <p>11 Q Okay. And is that your initial at the</p> <p>12 bottom, that MG?</p> <p>13 A Yes.</p> <p>14 Q Okay. In looking at those initials can you</p> <p>15 please pull back up for me Garabedian 16 which is the</p> <p>16 December 18 letter and Garabedian 10 which is the</p> <p>17 April 18 letter?</p> <p>18 A I'm sorry. What, what do you want me to pull</p> <p>19 up here?</p> <p>20 Q The letters that are in issue in this case.</p> <p>21 A What exhibit numbers are they?</p> <p>22 Q It's Garabedian 16.</p> <p>23 A Yeah.</p> <p>24 Q Okay. On Garabedian 16 on the second page</p> <p>25 where the initials are, in looking at both of those</p>
<p style="text-align: right;">Page 155</p> <p>1 Q Did they ever contact you after you sent that</p> <p>2 letter?</p> <p>3 A I don't recall.</p> <p>4 Q Did they ever tell you, hey, we need to hear</p> <p>5 from you; we need to speak with your client?</p> <p>6 MR. McCARRON: Objection.</p> <p>7 A When? I mean ...</p> <p>8 Q I'm asking you.</p> <p>9 A Well, you're ...</p> <p>10 MR. McCARRON: Is that what you really</p> <p>11 want to know? You've been through it. There was an</p> <p>12 answer -- I mean there was an email. It was January</p> <p>13 ... I don't know, anyway. What -- can, can you -- you</p> <p>14 keep saying they anyway. Are you referring to the</p> <p>15 school? The school's lawyer?</p> <p>16 MR. JUBB: Sure.</p> <p>17 MR. McCARRON: Who are you thinking</p> <p>18 about?</p> <p>19 BY MR. JUBB:</p> <p>20 Q Okay. Mr. Garabedian, to be extraordinarily</p> <p>21 precise here, at any point in time following that</p> <p>22 letter that you sent did anyone from The Hill School or</p> <p>23 acting on behalf of The Hill School contact you telling</p> <p>24 you they need to speak with your client?</p> <p>25 A I don't recall.</p>	<p style="text-align: right;">Page 157</p> <p>1 does that appear to be written by somebody else?</p> <p>2 A Okay. What are we looking at now? I'm</p> <p>3 sorry.</p> <p>4 Q On P16.</p> <p>5 A Yeah.</p> <p>6 Q 226.</p> <p>7 A Yeah.</p> <p>8 Q Which is the second page --</p> <p>9 A Yeah.</p> <p>10 Q -- of Garabedian 16, do those initials at the</p> <p>11 bottom of that letter appear to be yours matching up</p> <p>12 with the ones that you say are yours on Garabedian File</p> <p>13 16 which was a part of Garabedian 18?</p> <p>14 A So you want me to compare Exhibit 16 with</p> <p>15 Garabedian 16, correct?</p> <p>16 MR. McCARRON: Well, I'm not --</p> <p>17 Q No.</p> <p>18 MR. McCARRON: Now I'm not sure what</p> <p>19 you're trying to find out. Are -- what are -- are you</p> <p>20 asking him --</p> <p>21 MR. JUBB: I'm trying to -- he said that</p> <p>22 this is his initial.</p> <p>23 MR. McCARRON: Just if, if I could see</p> <p>24 if I can clarify this. Are you asking for -- whether</p> <p>25 looking at File page 16 which is part of Garabedian 18</p>

<p style="text-align: right;">Page 158</p> <p>1 and com -- does that refresh or give him a clue about  2 whether the initials that are on what you now  3 identified as P16.226 which is part of Garabedian 16?  4 Is that what you're asking?  5 MR. JUBB: No, I, I like my question. I  6 mean I'm happy to rephrase it if you just say can you  7 rephrase it. I don't want him to --  8 MR. McCARRON: Well, I'm not trying to  9 give you a hard time. I'm trying to get through this.  10 I, I don't underst -- I am -- I'm not sure what you're  11 trying to find out, honestly.  12 MR. JUBB: Okay. Let me try again then.  13 MR. McCARRON: Except I think you're  14 trying to figure out if, if -- if he now has a basis on  15 which to conclude that his initials appear on  16 Garabedian 16. Is that what you're trying to figure  17 out?  18 MR. JUBB: I'm going to get there, yeah.  19 BY MR. JUBB:  20 Q So, Mr. Garabedian, in looking at what you  21 already told us was your initials and comparing them to  22 the initials on the December 2018 letter that went to  23 The Hill School's counsel, does this in any way give  24 you any sort of an indication that, in fact, you wrote  25 this letter and those are your initials or is that</p>	<p style="text-align: right;">Page 160</p> <p>1 Q Do you sign your letters with your initials?  2 A Sometimes.  3 Q Would you do it for me?  4 MR. McCARRON: No.  5 Q At any point in time did you tell Mr. Poulos  6 to contact the police department?  7 A I believe so, but I don't remember  8 specifically.  9 Q Why did you -- why would you tell him to do  10 that?  11 A Because he should make a record of it.  12 Q Did he tell you that he would contact the  13 police?  14 A I don't recall. I believe he did, but I  15 don't recall specifically.  16 Q Did you tell him to contact the AG's office?  17 A I may have.  18 Q And why would you do that?  19 A To make a record.  20 Q And did he represent to you that he would  21 call the AG's office?  22 A I don't recall.  23 Q Did -- why wouldn't you call the police  24 department and help him with that process?  25 MR. McCARRON: Objection.</p>
<p style="text-align: right;">Page 159</p> <p>1 somebody else's initials for you?  2 A I'm not sure.  3 Q Okay. And on Garabedian File 16, what is it  4 about those initials that tell you that that's your,  5 your handwriting?  6 A Well, it's -- I, I notice the handwriting  7 above it looks like my handwriting. The -- I'm sorry,  8 the handwriting above my initials.  9 Q Okay. And so in looking at these, you can't  10 tell us one way or another as to whether or not those  11 are your handwritten initials on Hill School production  12 226 on that letter?  13 A Yeah, it could -- they could be -- it could  14 be my initials. I just specifically don't remember.  15 Q Same question as to the April 11th, 2018  16 letter.  17 A What exhibit number is that; do you know?  18 Q I think that one is ... 7.  19 A Oh, okay.  20 Q Does the initials that are written on the  21 April 11th, 2018 letter look or appear to be your  22 initials that are reflected in Garabedian File 16?  23 A I'm not sure. It could be.  24 Q You think they look similar?  25 A Could. I'm not sure.</p>	<p style="text-align: right;">Page 161</p> <p>1 A It's just my style.  2 Q Well, if there was any difficulty or at least  3 as, as he might have said, you know, contacting the  4 police, you know, would you help your clients in those  5 situations?  6 MR. McCARRON: Objection.  7 A I --  8 MR. McCARRON: This is abusive. That's  9 an abusive question honestly, and you really --  10 MR. JUBB: How?  11 MR. McCARRON: I'm not going to get into  12 it with you, but it's an abusive question. You don't  13 repre -- how can that question conceivably relate to a  14 defamation claim by your client?  15 MR. JUBB: I'm going to as to their  16 discussions between them and Mr. Poulos --  17 MR. McCARRON: I'm sorry.  18 MR. JUBB: -- saying that he --  19 MR. McCARRON: And what does that  20 have --  21 MR. JUBB: -- contacted the -- I'm going  22 to explain.  23 MR. McCARRON: Go ahead. Finish.  24 MR. JUBB: Sure. I'm -- Mr. Poulos  25 testified as to contacting the police and what</p>

<p style="text-align: right;">Page 162</p> <p>1 Mr. Garabedian told him or did not tell him to do, and</p> <p>2 I'm asking as to whether or not Mr. Garabedian would</p> <p>3 assist a client in contacting the police.</p> <p>4 MR. McCARRON: What difference does it</p> <p>5 make whether he would assist them?</p> <p>6 MR. JUBB: I just --</p> <p>7 MR. McCARRON: What difference does that</p> <p>8 make? Why would that make any -- why would that have</p> <p>9 anything to do with -- in any regard with your client's</p> <p>10 claim? How?</p> <p>11 MR. JUBB: I don't need to express to</p> <p>12 you right now the relevance of that, but it's very</p> <p>13 relevant.</p> <p>14 MR. McCARRON: As to whether</p> <p>15 Mr. Garabedian would assist a client meaning what --</p> <p>16 MR. JUBB: I can make it more specific</p> <p>17 to Poulos and make it relevant for you.</p> <p>18 MR. McCARRON: That doesn't make it more</p> <p>19 relevant.</p> <p>20 MR. JUBB: It does.</p> <p>21 MR. McCARRON: It just means -- no, it</p> <p>22 does not.</p> <p>23 MR. JUBB: Okay.</p> <p>24 MR. McCARRON: You know what, you're</p> <p>25 burning your own time, so go ahead.</p>	<p style="text-align: right;">Page 164</p> <p>1 record, a statement from your clients, don't they?</p> <p>2 A Sometimes. Sometimes they don't.</p> <p>3 Q Okay. And, and is there any particular</p> <p>4 reason why or why not you would not assist Mr. Poulos</p> <p>5 in contacting the police in this case?</p> <p>6 A It's just my style. I, I give the</p> <p>7 information to the client, and I say contact the</p> <p>8 authorities.</p> <p>9 Q There's reference in the notes that -- strike</p> <p>10 that.</p> <p>11 From Garabedian File 16 all the way through</p> <p>12 to the end so -- strike that.</p> <p>13 Garabedian File 11, am I correct that's all</p> <p>14 your handwriting?</p> <p>15 A I'm sorry. I -- what are you referring to?</p> <p>16 Q Garabedian File 16, you already said that's</p> <p>17 you, right?</p> <p>18 A Let me catch up with you. Okay. Go ahead.</p> <p>19 Thank you.</p> <p>20 Q Okay. So keep going forward to the front,</p> <p>21 Garabedian File 11, look at those pages.</p> <p>22 A Eleven?</p> <p>23 Q Yeah. Am I correct that that's all your</p> <p>24 handwriting?</p> <p>25 A Eleven I don't believe is mine. Is this 11</p>
<p style="text-align: right;">Page 163</p> <p>1 MR. JUBB: Sure.</p> <p>2 BY MR. JUBB:</p> <p>3 Q Mr. Garabedian, when a client comes to you</p> <p>4 and they're claiming that they were sexually abused as</p> <p>5 a minor, that's a crime, correct?</p> <p>6 A Yes.</p> <p>7 Q All right. And in those situations when it's</p> <p>8 a crime am I correct that in the past you have actually</p> <p>9 assisted your clients in speaking with the police?</p> <p>10 A By giving them information to contact the</p> <p>11 police.</p> <p>12 Q And what about interviews, do you help them</p> <p>13 with those?</p> <p>14 A No.</p> <p>15 Q What about contacting the AG's office, have</p> <p>16 you ever helped a client with that?</p> <p>17 A I just provide them with the information.</p> <p>18 Q Okay. And when you provide them with the</p> <p>19 information is it your expectation that they're going</p> <p>20 to contact the police?</p> <p>21 A Yes.</p> <p>22 Q Are there certain benefits to your civil case</p> <p>23 if they file a police statement?</p> <p>24 A Maybe.</p> <p>25 Q And when that happens, the police take a</p>	<p style="text-align: right;">Page 165</p> <p>1 here? Is that what you're refer -- are you saying?</p> <p>2 Q Yeah, it's in cursive. Is that you or is</p> <p>3 that somebody else?</p> <p>4 A I'm not quite sure. What ...</p> <p>5 Q So at the top --</p> <p>6 A Yeah.</p> <p>7 Q -- it says PC, --</p> <p>8 A Yeah.</p> <p>9 Q -- Mary Ellen Poulos and then it says MG,</p> <p>10 WHG.</p> <p>11 A Yeah.</p> <p>12 Q Is that Mr. Gordon?</p> <p>13 A Yes.</p> <p>14 Q Do you think this is Mr. Gordon's</p> <p>15 handwriting?</p> <p>16 A Yeah. Yes.</p> <p>17 Q All right. And is it Mr. Gordon's -- strike</p> <p>18 that.</p> <p>19 On Garabedian File 15 is that Mr. Gordon's</p> <p>20 handwriting?</p> <p>21 A I believe so.</p> <p>22 Q Okay. Fourteen, is that Mr. Gordon's</p> <p>23 handwriting?</p> <p>24 A I'm not sure. I think so.</p> <p>25 Q In here it looks like there's a note that</p>

<p style="text-align: right;">Page 166</p> <p>1 says: Client not told WHG taking notes. Do you see 2 that? 3 A Yes. 4 Q Whose writ -- handwriting is that? 5 A I don't know. 6 Q Do you know why that would be in here? 7 A No, I don't. 8 Q Was there any reason that Mr. Poulos was not 9 told that Mr. Gordon was taking notes? 10 A I don't know if that's accurate. I don't 11 know. 12 Q In other words, the note: Client not told 13 Mr. Gordon taking notes, could be written but it's 14 inaccurate? 15 A Well, it's in the middle of the page. So 16 after that sentence he could have been told. I don't 17 know. I don't recall. 18 Q There's also multiple pen colors on this. Do 19 you see that? 20 A No, not really. 21 Q Okay. Do you see any color difference on 22 Garabedian 14? 23 A Yeah. I see a highlight in the bottom, yeah. 24 Q Okay. There's red, isn't there? 25 A Down the bottom.</p>	<p style="text-align: right;">Page 168</p> <p>1 A That looks like mine. 2 Q MG called Mary Ellen and told her to call 3 Vicky somebody who's an attorney? 4 A Yes. 5 Q And it says that you told Mary Ellen that 6 Jeff McCarron would what? 7 A I don't know. 8 Q Does that say refund? 9 A I don't know. I'd be guessing. 10 Q Is that your initials right there? 11 A Yes. I think. 12 Q What does that last line say? MG told Mary 13 Ellen that what? 14 A That Jeff McCarron something Vicky. 15 Q Garabedian File 11, is that Mr. Gordon's 16 handwriting? 17 A Yes. 18 Q Did Ms. Poulos ever tell you that she was 19 going to try and go to the newspapers? 20 A I don't recall. 21 Q Do you recall any discussions whatsoever with 22 Mr. -- with Ms. Poulos? 23 A Not specifically. 24 Q Anything generally? 25 A No, not that I remember.</p>
<p style="text-align: right;">Page 167</p> <p>1 Q Yeah. 2 MR. McCARRON: You mean where it looks 3 like the black pen ran out and then red got 4 substituted? 5 MR. JUBB: That's what it looks like to 6 me. 7 MR. McCARRON: Yeah. Okay. 8 Q Is that still Mr. Gordon's handwriting? 9 A I, I don't know. It looks like it, but I'm 10 not sure. 11 Q Okay. What about on the page before that, 12 Garabedian File 13, is that your handwriting or someone 13 else's? 14 A I don't know. 15 Q Garabedian File 12. 16 MR. McCARRON: I'm sorry. Catch -- let 17 me catch up. What, what was the page you just 18 mentioned, 13? 19 MR. JUBB: Garabedian 13 is what we just 20 discussed. 21 MR. McCARRON: Okay. All right. 22 MR. JUBB: I don't know. 23 BY MR. JUBB: 24 Q Garabedian File 12, whose handwriting is 25 that?</p>	<p style="text-align: right;">Page 169</p> <p>1 Q How about Garabedian File 7 through 2 Garabedian File 9, whose handwriting is that? 3 A I'm not sure. 4 Q When you're taking notes of your discussions 5 with clients and you're saying something do you use the 6 tool or I should say just system of putting your 7 initials and then colon what you say? 8 A Sometimes. 9 Q Garabedian File 6, who's that? 10 A I think that might be William Gordon. 11 Q Garabedian File 5? 12 A I think that's mine. 13 Q Okay. And those are your initials at the 14 bottom? 15 A Yes, I believe so. 16 MR. McCARRON: What page, 5? 17 THE WITNESS: 5. 18 Q When you wrote: 2, will sign and send back 19 release, what were you referring to? 20 A I don't remember. 21 Q What types of releases would you be providing 22 Mr. Poulos at this point? 23 A For medical records. For educational 24 records. 25 Q Am I correct you didn't have his medical</p>

<p style="text-align: right;">Page 170</p> <p>1 records before you wrote the April 2018 letter from</p> <p>2 your office?</p> <p>3 A I don't recall.</p> <p>4 Q Why did you request his medical records?</p> <p>5 A To get background on him.</p> <p>6 Q Is that important to have when you're</p> <p>7 bringing a case?</p> <p>8 A Excuse me?</p> <p>9 Q Is that important to have when you're</p> <p>10 bringing a case?</p> <p>11 A Sometimes.</p> <p>12 MR. McCARRON: Yeah, but this -- this</p> <p>13 5/19 -- I mean page 5, that's after the lawsuit, right?</p> <p>14 MR. JUBB: Yeah.</p> <p>15 MR. McCARRON: Yeah, okay. So why are</p> <p>16 we talking about medical records?</p> <p>17 MR. JUBB: He just said it might have</p> <p>18 been a release for medical records.</p> <p>19 BY MR. JUBB:</p> <p>20 Q Mr. Garabedian, is that what you just said?</p> <p>21 A It might have been a release for educational</p> <p>22 records, medical records. I don't know. I don't</p> <p>23 recall.</p> <p>24 Q Okay. And you're doing that at this point to</p> <p>25 get information on him, right?</p>	<p style="text-align: right;">Page 172</p> <p>1 as of 5/19 not 5/9/19, right. And he already told you</p> <p>2 that he didn't have any ... you know, they both have</p> <p>3 been sued. You really need to abide by the</p> <p>4 responsibility that your question has to have a basis,</p> <p>5 okay, and not play games.</p> <p>6 MR. JUBB: Jeff, I'm not playing games.</p> <p>7 MR. McCARRON: No. No. I'm sugges --</p> <p>8 I'm telling you --</p> <p>9 MR. JUBB: I don't know if you're</p> <p>10 familiar with this record or not, --</p> <p>11 MR. McCARRON: Yeah, I'm familiar with</p> <p>12 the records.</p> <p>13 MR. JUBB: -- but he sent out the</p> <p>14 releases after he was sued.</p> <p>15 MR. McCARRON: Okay.</p> <p>16 MR. JUBB: Did you know that?</p> <p>17 MR. McCARRON: -- well, all I'm saying</p> <p>18 is --</p> <p>19 MR. JUBB: Did you know that?</p> <p>20 MR. McCARRON: -- just make sure that</p> <p>21 you have what you need because if you don't you</p> <p>22 know ...</p> <p>23 BY MR. JUBB:</p> <p>24 Q Mr. Garabedian, am I correct that you had</p> <p>25 Mr. Poulos sign releases, and you started obtaining</p>
<p style="text-align: right;">Page 171</p> <p>1 MR. McCARRON: Objection. You know</p> <p>2 that's not a true statement. I don't know why --</p> <p>3 MR. JUBB: What do you mean it's not a</p> <p>4 true statement?</p> <p>5 MR. McCARRON: You know it's not a true</p> <p>6 statement. Why would you do that?</p> <p>7 MR. JUBB: I have no idea what you're</p> <p>8 taking about. His own words were --</p> <p>9 MR. McCARRON: A lawsuit had been filed</p> <p>10 by this point, Mr. Jubb.</p> <p>11 MR. JUBB: I'm well aware of that.</p> <p>12 MR. McCARRON: Okay.</p> <p>13 MR. JUBB: I'm well aware of that.</p> <p>14 MR. McCARRON: And you have the file,</p> <p>15 right?</p> <p>16 MR. JUBB: I don't know that.</p> <p>17 MR. McCARRON: Okay. What do you mean</p> <p>18 you don't know that?</p> <p>19 MR. JUBB: I don't know that I have the</p> <p>20 entire file.</p> <p>21 MR. McCARRON: Did it have records in</p> <p>22 the file?</p> <p>23 MR. JUBB: There are medical records in</p> <p>24 the file.</p> <p>25 MR. McCARRON: Okay. Then you know that</p>	<p style="text-align: right;">Page 173</p> <p>1 records after you were sued, sir?</p> <p>2 A I don't -- I'd have to look at the file</p> <p>3 dates.</p> <p>4 Q But you can't, you can't say one way or the</p> <p>5 other as to whether or not you didn't do that, right?</p> <p>6 A No.</p> <p>7 Q Okay. And after you got sued, that was the</p> <p>8 first time you did a background check on Mr. Poulos,</p> <p>9 correct?</p> <p>10 A Excuse me?</p> <p>11 Q After you got sued, that was the first time</p> <p>12 you did a background check on Mr. Poulos, correct?</p> <p>13 A I don't know what you mean by a background</p> <p>14 check.</p> <p>15 Q You've never performed a police background</p> <p>16 check on somebody via rap sheet?</p> <p>17 MR. McCARRON: Why don't you ask him</p> <p>18 whether -- why do you call it background check? Just</p> <p>19 ask about obtain whatever you want to call it. Give it</p> <p>20 a title.</p> <p>21 Q Do you, do you know --</p> <p>22 MR. McCARRON: What's the document --</p> <p>23 what's the title on the document?</p> <p>24 Q It's called a background check.</p> <p>25 A What is?</p>



<p style="text-align: right;">Page 174</p> <p>1 Q Okay.</p> <p>2 MR. McCARRON: Why don't you show him</p> <p>3 the document.</p> <p>4 Q All right. Here we go. Garabedian File 221</p> <p>5 through 232. All right. At the bottom it says</p> <p>6 Garabedian File 221 through 231. At the top: Request</p> <p>7 Date, 4/15/2019. You had been sued by then, right?</p> <p>8 A Apparently.</p> <p>9 Q Okay. And what does it say --</p> <p>10 A Are you going to let me look at the paper or</p> <p>11 are you just going to hold it up in front of --</p> <p>12 Q I'm going to actually ask questions about it.</p> <p>13 Just can you see the date from here?</p> <p>14 A No.</p> <p>15 Q All right. You can't see that? What's the</p> <p>16 date of the request?</p> <p>17 A It's 4/15/19.</p> <p>18 Q All right. Were you sued by then?</p> <p>19 A Yes.</p> <p>20 Q Okay. Can I have that back?</p> <p>21 A Sure.</p> <p>22 Q What is it -- what is this report called in</p> <p>23 the very first sentence?</p> <p>24 A This criminal background check was performed</p> <p>25 by searching the following data submitted to the crime</p>	<p style="text-align: right;">Page 176</p> <p>1 A I don't recall.</p> <p>2 Q What did Mr. Poulos say to you in, in terms</p> <p>3 of that?</p> <p>4 A I don't recall.</p> <p>5 Q Well, you read his deposition, though, right?</p> <p>6 A Most of it.</p> <p>7 Q Okay. Did, did he say that --</p> <p>8 A I --</p> <p>9 MR. McCARRON: What's the question?</p> <p>10 Q Okay. When, when he testified that somebody</p> <p>11 had used his computer to try and entice a child and</p> <p>12 that he got pulled over by an unmarked car but there</p> <p>13 was nothing on it, does that refresh your recollection</p> <p>14 as to what he told you?</p> <p>15 A I don't recall what he told me, but I do</p> <p>16 remember reading that in the deposition, though.</p> <p>17 Q And in his explanation to you did, did it</p> <p>18 sound credible to you?</p> <p>19 A I don't recall. But he was found not guilty</p> <p>20 or wasn't prosecuted. So you're asking about a crime</p> <p>21 in which he wasn't found guilty of anything.</p> <p>22 Q Can you recall how many of your other clients</p> <p>23 that you've represented as plaintiffs in a lawsuit</p> <p>24 alleging sexual abuse have been charged with child</p> <p>25 enticement?</p>
<p style="text-align: right;">Page 175</p> <p>1 information bureau.</p> <p>2 Q Does that refresh your recollection as to</p> <p>3 what a background check is? No.</p> <p>4 A Not really.</p> <p>5 Q Okay.</p> <p>6 A Because background check was so broad. If</p> <p>7 you asked me if I obtained his criminal record, I would</p> <p>8 have just answered it.</p> <p>9 Q I see. Because the first time you obtained</p> <p>10 his criminal record was after you got sued, correct?</p> <p>11 A Apparently.</p> <p>12 Q And did you review it?</p> <p>13 A Yes.</p> <p>14 Q Did you see that he was charged with</p> <p>15 enticing -- child enticement?</p> <p>16 A Where is -- there's not -- there was no</p> <p>17 prosecution.</p> <p>18 Q My question was did you become aware that he</p> <p>19 was charged with child enticement?</p> <p>20 A When I read the record, yes. But it was</p> <p>21 dismissed or there was no prosecution of it.</p> <p>22 Q And did you look into that through court</p> <p>23 records or did you just talk with Mr. Poulos about it?</p> <p>24 A I look -- I --</p> <p>25 MR. McCARRON: Objection.</p>	<p style="text-align: right;">Page 177</p> <p>1 A No.</p> <p>2 MR. McCARRON: Objection.</p> <p>3 Q This is Garabedian File 10. Can you tell me</p> <p>4 the date on that?</p> <p>5 A What did -- was your question? I'm sorry.</p> <p>6 Q Can you tell me the date on that?</p> <p>7 A May 9th, 2019.</p> <p>8 Q And it says: Dear Mr. Poulos, Enclosed</p> <p>9 please find releases for your medical records for you</p> <p>10 to sign next to both X's. Did I read that correctly?</p> <p>11 A I don't know.</p> <p>12 (Witness reviewing document.)</p> <p>13 A Yes.</p> <p>14 Q Okay. So in my last question when I asked</p> <p>15 you a couple minutes ago about did you have Mr. Poulos</p> <p>16 sign releases for medical records after you were sued,</p> <p>17 based on this letter is the answer yes?</p> <p>18 A Apparently.</p> <p>19 Q Was there any particular reason why you were</p> <p>20 assisting Mr. Poulos getting medical records after you</p> <p>21 were sued, sir?</p> <p>22 A Just collecting records.</p> <p>23 MR. JUBB: Let's just take a three-</p> <p>24 minute break so I can reorganize my notes.</p> <p>25 MR. McCARRON: The time is 1:44 p.m.</p>



<p style="text-align: right;">Page 178</p> <p>1 We're off the record.</p> <p>2 (Break was taken.)</p> <p>3 THE VIDEOGRAPHER: The time is 1:54 p.m.</p> <p>4 We're on the record.</p> <p>5 BY MR. JUBB:</p> <p>6 Q Mr. Garabedian, did you review Mr. Poulos's</p> <p>7 Hill School files?</p> <p>8 A I don't recall.</p> <p>9 Q Do you know whether or not any of your</p> <p>10 associates did?</p> <p>11 A I don't recall specifically.</p> <p>12 Q Would it have been your pattern to review</p> <p>13 Mr. Poulos's school file since that's the entity to</p> <p>14 which your letter was directed?</p> <p>15 A Well, when you say you, someone from my</p> <p>16 office if not me.</p> <p>17 Q Okay. To the extent that you had obtained</p> <p>18 any records for Mr. Poulos from any sort of</p> <p>19 authorization or FOIA request, whatever it may have</p> <p>20 been, would those records have been included in his</p> <p>21 file?</p> <p>22 A Yes.</p> <p>23 Q And those records would have been copied and</p> <p>24 produced; am I correct?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 180</p> <p>1 Do you personally communicate with these</p> <p>2 experts, the forensic psychologist?</p> <p>3 A Sometimes.</p> <p>4 Q Are they forensic psychologists or forensic</p> <p>5 psychiatrists?</p> <p>6 A They can be both.</p> <p>7 Q In communicating with them have they ever</p> <p>8 expressed to you psychologically what it is about child</p> <p>9 predators that causes these tendencies?</p> <p>10 A No.</p> <p>11 Q Do you know whether or not child predators</p> <p>12 act as a desire for some sort of dominance or is it</p> <p>13 mostly sex?</p> <p>14 A A combination probably.</p> <p>15 Q When you say "probably" are you guessing</p> <p>16 or ...</p> <p>17 A Well, I mean it -- it's really a difficult</p> <p>18 question to answer.</p> <p>19 Q In the situations that you are unfortunately</p> <p>20 familiar with --</p> <p>21 A It's just like when you asked me about</p> <p>22 whether they were one-time offenders or not. You</p> <p>23 really don't -- you can't answer that because they may</p> <p>24 have offended other times you don't know about which is</p> <p>25 common.</p>
<p style="text-align: right;">Page 179</p> <p>1 Q Thank you.</p> <p>2 I imagine that based off of the work that you</p> <p>3 do, you have a lot of experience in learning about</p> <p>4 child predator tendencies, unfortunately. Would you</p> <p>5 consider yourself familiar with what to look for in</p> <p>6 terms of assessing whether or not someone is a, is a</p> <p>7 child predator?</p> <p>8 A I don't know. I mean I'm not an expert</p> <p>9 doctor. I mean ...</p> <p>10 Q In the cases -- strike that.</p> <p>11 Have you ever retained an expert in the cases</p> <p>12 that you have?</p> <p>13 A What kind of expert? I'm sorry.</p> <p>14 Q Experts.</p> <p>15 A Yes.</p> <p>16 Q Okay. What type of experts do you retain?</p> <p>17 A Forensic psychiatrists.</p> <p>18 Q And can you tell us why you do that?</p> <p>19 A Establish damages.</p> <p>20 Q And based on your experience do most child</p> <p>21 predators, are they repeat offenders?</p> <p>22 A You find that a lot.</p> <p>23 Q And based on your experience and I</p> <p>24 imagine that -- strike that. I shouldn't say that.</p> <p>25 Strike that.</p>	<p style="text-align: right;">Page 181</p> <p>1 Q And am, am I correct, though, that the</p> <p>2 overwhelming majority of the individuals who you have</p> <p>3 accused of being involved in child abuse sexually, they</p> <p>4 have been accused by multiple people?</p> <p>5 A No.</p> <p>6 Q No. So in other words, there are individuals</p> <p>7 that you're aware of who've just been accused of sexual</p> <p>8 abuse by one person?</p> <p>9 A Yes.</p> <p>10 Q And what percentage of the cases that you've</p> <p>11 handled would involve just that?</p> <p>12 MR. McCARRON: I'm sorry. Just what?</p> <p>13 Q One allegation of sexual abuse.</p> <p>14 MR. McCARRON: One allegation.</p> <p>15 A I don't, I don't know. I can't give you a</p> <p>16 percentage. I'm sorry.</p> <p>17 Q That's okay.</p> <p>18 In terms of Mr. Poulos do you believe that</p> <p>19 you actually discussed with him his recollection or</p> <p>20 his, his narrative?</p> <p>21 A I believe I did.</p> <p>22 Q And in that discussion what do you recall him</p> <p>23 saying?</p> <p>24 A Well, it's in the notes. I, I don't remember</p> <p>25 specifically now.</p>

<p style="text-align: right;">Page 182</p> <p>1 Q Well, if it's in the notes, is it your 2 testimony that that would accurately reflect what he 3 was saying? 4 A Yeah. 5 Q And with respect to the allegations that 6 Mr. Poulos was intending to make against Mr. Ralston -- 7 strike that. 8 Did you have an opportunity to review any of 9 Mr. Poulos's filings in this case? 10 A I don't recall. 11 Q Do you recall -- 12 A You mean in the litigation? 13 Q Yes, sir. 14 A Yeah, I don't recall. 15 Q Do you recall reviewing any documents filed 16 by Mr. Poulos where he had said at the time he 17 contacted you, plaintiff was no longer employed -- let 18 me clarify. Strike that. 19 Do you recall reviewing any documents where 20 Mr. Poulos said that at the time he contacted you that 21 my client was no longer employed at The Hill School? 22 A He may have said that. I don't recall. 23 Q Was that your understanding at the time, that 24 he was not employed at The Hill School? 25 A I don't recall.</p>	<p style="text-align: right;">Page 184</p> <p>1 your letters to be accurate? 2 MR. McCARRON: Well, objection. 3 A Yes. 4 Q Do you believe that -- strike that. 5 Can you recall occasions where folks have 6 contacted you alleging that they were sexually abused 7 as a minor that you have subsequently found to be false 8 or untruthful? 9 A Rarely. 10 Q Rarely. 11 MR. POULOS: Objection. 12 Q Other than Mr. Poulos's statements to your 13 firm are you aware of any information that corroborates 14 his claim? 15 A Can you repeat the question, please. 16 Q Sure. 17 Other than Mr. Poulos's statements to your 18 firm alleging that he had been abused by my client are 19 you aware of any information, whether documents, 20 otherwise, witness statements, that would corroborate 21 his testimony? 22 A No, I believe he told his mother four, four 23 or five years before he told me. 24 Q Anything else? 25 A His deposition you took.</p>
<p style="text-align: right;">Page 183</p> <p>1 MR. McCARRON: At what time? Excuse me. 2 MR. JUBB: At the time Mr. Poulos 3 contacted him. 4 MR. McCARRON: Initia -- oh, back in 5 2017 you're saying. 6 MR. JUBB: Yes, sir. 7 MR. McCARRON: Okay. 8 A Yeah, I don't recall. 9 Q When you wrote the letter -- strike that. 10 As of April 18 did you have any understanding 11 as to whether or not my client was employed at The Hill 12 School? 13 A What year? 14 Q As of -- okay. As -- strike that. I thought 15 I said that so forgive me. Strike that. 16 As of April 2018 did you have an 17 understanding as to whether or not my client was 18 employed at The Hill School? 19 A I don't recall. 20 Q In sending these types of letters accusing 21 someone of sexual abuse of a minor, do you have an 22 understanding that that could have consequences of them 23 losing their job? 24 A Maybe. 25 Q And do you believe that it's important for</p>	<p style="text-align: right;">Page 185</p> <p>1 Q So other than his statements I'm asking you. 2 A Oh, I'm sorry. No. 3 MR. McCARRON: Well, I just want to make 4 sure. You're asking just about the story of abuse 5 compared to like, for instance, whether he went to The 6 Hill School, whether he was a student of Mr. Ralston, 7 those kinds of questions? I mean are you ... 8 MR. JUBB: No, I mean I think my, my 9 question was clear. I'll make sure -- 10 MR. McCARRON: Well, I just want to make 11 sure. I mean there was ... 12 MR. JUBB: Is there -- I'm not sure I 13 understand what's confusing about it. 14 MR. McCARRON: Well, I think that 15 there's -- 16 MR. JUBB: I'm asking him -- 17 MR. McCARRON: The question itself is 18 not confusing. I'm not accusing you of a, a confusing 19 question. I'm just trying to find out the -- how 20 comprehensive we're talking about. 21 Is it just limited to the inquiry about 22 corroboration concerning the abuse as compared to other 23 features which would corroborate, for instance, contact 24 with Mr. Ralston; that he was a student at The Hill 25 School which is part of his story, as I understand it;</p>

<p style="text-align: right;">Page 186</p> <p>1 that he was a student of Mr. Ralston; that he had 2 contact with him at various times during the ... I mean 3 there's certainly other information that Mr. Garabedian 4 can tell you about with respect to that issue, right. 5 MR. JUBB: Maybe. But I think he just 6 said he was unaware of anything other than Mr. Poulos's 7 statement. 8 MR. McCARRON: But the reason I ask this 9 question is because of his last answer which was 10 confined to a remark or testimony, I guess, that is -- 11 that restricts it to the abuse part. 12 MR. JUBB: Yeah. 13 MR. McCARRON: That's all you're asking 14 about, right? 15 MR. JUBB: Sure. Sure. That's the only 16 issue in this case. There's nothing defamatory about 17 saying that he was a student of Mr. Ralston. I'm 18 talking about the claims that he was abused. 19 MR. McCARRON: No, I understand that, 20 but one might consider it, and I would, that it's 21 corroborative that he was a student. I mean if one 22 found out that he was never a student at The Hill 23 School, then it would be -- then the story that he had 24 been abused at The Hill School would be an issue, 25 right. Or if he was -- if the records reflected</p>	<p style="text-align: right;">Page 188</p> <p>1 A I don't have a photograph of it happening. 2 Of the abuse happening. 3 Q Okay. Well, am I correct that at the time 4 you wrote the letter did you even know as to whether or 5 not he was a student at The Hill School? 6 A Yes, I believed Mr. Poulos. 7 Q You believed him in that, right? 8 A Yes. 9 Q But am I correct that you had no independent 10 corroboration that he even was a student there, right? 11 A I don't recall. 12 Q Am I correct that as of the time that you -- 13 that the letter came from your office did you have any 14 information other than Mr. Poulos's statement that he 15 was in Mr. Ralston's geometry class that that was true? 16 A I don't recall. 17 Q Okay. So other than the fact that Mr. Poulos 18 went to The Hill School and was in Mr. Ralston's 19 geometry class is there any evidence that you've seen 20 that you've obtained after you sent your, your letter 21 and after you've been sued that you believe 22 corroborates Mr. Poulos's testimony or allegations 23 here? 24 A I'd have to look at the file. I don't 25 recall. It was a deep file.</p>
<p style="text-align: right;">Page 187</p> <p>1 that -- or if it turned out that Mr. Ralston wasn't -- 2 didn't work at the school at the time that he was a 3 student then that would be an issue. 4 MR. JUBB: Mm-hmm. 5 MR. McCARRON: If he was never in 6 Mr. Ralston -- was never a pupil of Mr. Ralston, right, 7 those are all things that would be. That's why I'm 8 asking just to make sure that we're not eliminating -- 9 you don't want -- you're not expecting Mr. Garabedian 10 to tell you whether there's other evidence which would 11 corroborate, right? 12 MR. JUBB: I don't even understand -- 13 MR. McCARRON: Okay. Well, -- 14 MR. JUBB: -- where, where it's going, 15 but I think -- 16 MR. McCARRON: -- never mind. I 17 don't -- I think I said enough -- 18 MR. JUBB: Yeah. 19 MR. McCARRON: -- with respect to the 20 issue. 21 BY MR. JUBB: 22 Q Mr. Garabedian, am I correct that other than 23 Mr. Poulos's own statements, you are unaware of any 24 evidence that would support his statement that he was 25 sexually abused?</p>	<p style="text-align: right;">Page 189</p> <p>1 Q You, you didn't look at it? 2 A Not recently. 3 Q After you got sued and you were having 4 Mr. Poulos send auth -- strike that. 5 After you and Mr. Poulos were both sued and 6 you had him sign authorizations to obtain additional 7 medical records did you represent him then? 8 A I must have. 9 Q Do you still represent him? 10 A No. 11 MR. McCARRON: Well, hold it. You're 12 talking about for the, the matter of representation for 13 which there was a contingent fee agreement. 14 MR. JUBB: Jeff, you can't continue to 15 interrupt like this. 16 MR. McCARRON: Hey, don't start. Don't 17 start yelling at me. Don't do that. 18 MR. JUBB: I don't understand why the 19 witness answers a question and then you chime in to 20 clarify after he gives an answer. That's just not how 21 this works. If there's something objectionable in my 22 question then just say you're objecting to the form of 23 the question. These are all speaking objections. 24 MR. McCARRON: Okay. It's not a 25 speaking objection, okay.</p>

<p style="text-align: right;">Page 190</p> <p>1 MR. JUBB: Okay.</p> <p>2 MR. McCARRON: But there's a --</p> <p>3 MR. JUBB: I'm moving on.</p> <p>4 MR. McCARRON: There is an existing</p> <p>5 representation agreement that's in place.</p> <p>6 MR. JUBB: That, that he just forgot</p> <p>7 about in his answer?</p> <p>8 MR. McCARRON: I don't know whether he</p> <p>9 forgot about it or not. I'm just -- you know that</p> <p>10 that's the case. So when you asked the question, --</p> <p>11 MR. JUBB: I don't know --</p> <p>12 MR. McCARRON: -- I don't know what</p> <p>13 you're talking about.</p> <p>14 MR. JUBB: Okay. Let's explore this</p> <p>15 then.</p> <p>16 MR. McCARRON: Here's what happened.</p> <p>17 Just a second.</p> <p>18 MR. JUBB: No, I don't need you to recap</p> <p>19 what happened.</p> <p>20 MR. McCARRON: You, you -- this what</p> <p>21 you're asking --</p> <p>22 MR. JUBB: You're trying to help the</p> <p>23 witness in response.</p> <p>24 MR. McCARRON: It's not about helping,</p> <p>25 okay.</p>	<p style="text-align: right;">Page 192</p> <p>1 MR. JUBB: Jeff, stop trying to instruct</p> <p>2 him. Let me ask a question.</p> <p>3 MR. McCARRON: I'm not trying to</p> <p>4 instruct anyone.</p> <p>5 MR. JUBB: Would you just let me ask a</p> <p>6 question?</p> <p>7 MR. McCARRON: Go ahead. Try to ask</p> <p>8 your question.</p> <p>9 MR. JUBB: Okay.</p> <p>10 BY MR. JUBB:</p> <p>11 Q Mr. Garabedian, after you were named as a</p> <p>12 defendant with Mr. Poulos and you sent him</p> <p>13 authorizations for medical records, I asked you did you</p> <p>14 represent him then, and your response was I must have,</p> <p>15 correct?</p> <p>16 A I don't represent him in this litigation, but</p> <p>17 I never --</p> <p>18 Q Oh, okay.</p> <p>19 A -- really terminated him with regard to his</p> <p>20 claim for abuse.</p> <p>21 Q I see. So you still represent him. Is that</p> <p>22 your testimony?</p> <p>23 A No, I never really terminated him with regard</p> <p>24 to his claim for abuse.</p> <p>25 Q Listen to my question. Do you still</p>
<p style="text-align: right;">Page 191</p> <p>1 MR. JUBB: You are.</p> <p>2 MR. McCARRON: All right, well, whatever</p> <p>3 you want to call it.</p> <p>4 MR. JUBB: Why are you, why are you just</p> <p>5 not capable --</p> <p>6 MR. McCARRON: This is what happened --</p> <p>7 MR. JUBB: -- of letting me ask the</p> <p>8 question.</p> <p>9 MR. McCARRON: Just a second. You asked</p> <p>10 a question about the lawsuit then you asked about</p> <p>11 representation, and you can see from -- you can -- you</p> <p>12 know that he didn't represent him for this lawsuit or</p> <p>13 doesn't represent him for this lawsuit?</p> <p>14 MR. JUBB: I do not know that at all.</p> <p>15 MR. McCARRON: I think we just</p> <p>16 established that.</p> <p>17 MR. JUBB: And in fact the record points</p> <p>18 opposite. No.</p> <p>19 MR. McCARRON: They represent him for</p> <p>20 the lawsuit?</p> <p>21 MR. JUBB: Yeah. Okay. Watch this.</p> <p>22 Q Mr. Garabedian, --</p> <p>23 MR. McCARRON: The litigation that you</p> <p>24 brought, the lawsuit that we're here about, that's</p> <p>25 distinct from the case involving your client.</p>	<p style="text-align: right;">Page 193</p> <p>1 represent him?</p> <p>2 A I just answered it.</p> <p>3 Q Do you still represent him?</p> <p>4 A I just answered it.</p> <p>5 MR. McCARRON: If there's an existing</p> <p>6 matter. That's the issue, right?</p> <p>7 Q There's -- what existing matter, sir?</p> <p>8 MR. McCARRON: That's what I'm -- go</p> <p>9 head.</p> <p>10 Q What existing matter?</p> <p>11 A His claim of abuse.</p> <p>12 Q So you still represent him in that?</p> <p>13 A Well, I never really terminated. We never</p> <p>14 terminated.</p> <p>15 Q You -- okay. So after you were sued and he</p> <p>16 was sued did you ever have a discussion with him that</p> <p>17 there is a palpable conflict of interest?</p> <p>18 MR. McCARRON: Objection. Don't answer</p> <p>19 that question.</p> <p>20 Q Did you ever have a conversation with</p> <p>21 Mr. Poulos that there's a conflict of interest?</p> <p>22 MR. McCARRON: Objection. You're wrong</p> <p>23 about that, by the way.</p> <p>24 MR. JUBB: I'm asking if he had a</p> <p>25 discussion.</p>

<p style="text-align: right;">Page 194</p> <p>1 MR. McCARRON: See, you have to have a</p> <p>2 basis for that --</p> <p>3 MR. JUBB: Did you read his deposition,</p> <p>4 Jeff?</p> <p>5 MR. McCARRON: If you happen to know --</p> <p>6 MR. JUBB: You can't come in here and</p> <p>7 represent him if you've never represent -- if you've</p> <p>8 never read the records. This is your second time</p> <p>9 accusing me of having no good faith basis to ask this</p> <p>10 question.</p> <p>11 MR. McCARRON: Okay.</p> <p>12 MR. JUBB: So let me ask my questions,</p> <p>13 please.</p> <p>14 Q Mr. Garabedian, --</p> <p>15 MR. McCARRON: You don't get to intrude</p> <p>16 on the representation relationship between my client</p> <p>17 and Mr. Poulos so knock it off, okay.</p> <p>18 MR. JUBB: Well, unless you read --</p> <p>19 MR. McCARRON: Don't act like a jerk.</p> <p>20 MR. JUBB: I'm not acting like a jerk.</p> <p>21 You're acting like a jerk.</p> <p>22 MR. McCARRON: Okay.</p> <p>23 MR. JUBB: Okay. So maybe you didn't</p> <p>24 read Mr. Poulos's deposition.</p> <p>25 MR. McCARRON: What difference does that</p>	<p style="text-align: right;">Page 196</p> <p>1 Q -- did Mr. Poulos testify that you told him</p> <p>2 there was a conflict of interest?</p> <p>3 A Yes, I believe so.</p> <p>4 Q All right. He did. Did he make that up?</p> <p>5 MR. McCARRON: Hold it.</p> <p>6 Q Did Mr. Poulos make that up?</p> <p>7 MR. McCARRON: You're making that up in</p> <p>8 the re -- you're misleading the situation. That</p> <p>9 testimony did not -- that testimony pertained to</p> <p>10 representation in this case. That's what it pertained</p> <p>11 to. Are you telling me I'm wrong about that?</p> <p>12 MR. JUBB: I am telling you that --</p> <p>13 MR. McCARRON: Are you telling me I'm</p> <p>14 wrong about that?</p> <p>15 MR. JUBB: I'm telling you that you are</p> <p>16 trying to testify for this witness and --</p> <p>17 MR. McCARRON: Oh, yeah. I want to know</p> <p>18 an answer to my --</p> <p>19 MR. JUBB: -- and there's no such</p> <p>20 difference. There's no difference.</p> <p>21 MR. McCARRON: Answer my question, Jubb.</p> <p>22 MR. JUBB: I just did.</p> <p>23 MR. McCARRON: Are you telling me that</p> <p>24 I'm wrong about what I just said? Are you telling me</p> <p>25 I'm wrong?</p>
<p style="text-align: right;">Page 195</p> <p>1 make, by the way, as to what we're talking about?</p> <p>2 MR. JUBB: You're here telling me I'm</p> <p>3 misrepresenting the record, and you don't even know it.</p> <p>4 MR. McCARRON: What Mr. Poulos said?</p> <p>5 MR. JUBB: Yeah.</p> <p>6 MR. McCARRON: What does that matter?</p> <p>7 MR. JUBB: It matters because I'm</p> <p>8 asking -- that's the basis for my question, and you're</p> <p>9 saying what basis do you have so you're just going in</p> <p>10 circles.</p> <p>11 MR. McCARRON: I'm sorry. I --</p> <p>12 MR. JUBB: Just let me ask a question.</p> <p>13 MR. McCARRON: You're asking about</p> <p>14 conflicts of interest. That's what you're doing. And</p> <p>15 you're, you're wrong about that.</p> <p>16 MR. JUBB: I'm asking him -- okay.</p> <p>17 MR. McCARRON: You're 100 percent wrong</p> <p>18 about what you're asking.</p> <p>19 MR. JUBB: All right. Watch.</p> <p>20 BY MR. JUBB:</p> <p>21 Q Mr. Garabedian, you read his deposition,</p> <p>22 correct?</p> <p>23 A Yes.</p> <p>24 Q And in there did Mr. Poulos --</p> <p>25 A Some of it.</p>	<p style="text-align: right;">Page 197</p> <p>1 MR. JUBB: I don't even know what you're</p> <p>2 saying.</p> <p>3 MR. McCARRON: Yeah.</p> <p>4 MR. JUBB: You are trying to create an</p> <p>5 issue.</p> <p>6 MR. McCARRON: You know I'm right. No,</p> <p>7 you know I'm right.</p> <p>8 MR. JUBB: You're not right on anything</p> <p>9 so far.</p> <p>10 MR. McCARRON: Oh. Good.</p> <p>11 MR. JUBB: You're not right on anything</p> <p>12 so far.</p> <p>13 MR. McCARRON: Keep it up. Keep it up.</p> <p>14 MR. JUBB: You have not reviewed his</p> <p>15 deposition. You accuse me of asking him questions</p> <p>16 without a good faith basis, and you are wrong about</p> <p>17 that again, okay. So just let me ask my questions.</p> <p>18 MR. McCARRON: No. You're not going to</p> <p>19 distort the record.</p> <p>20 MR. JUBB: Okay. It's going to speak</p> <p>21 for itself, Jeff.</p> <p>22 MR. McCARRON: And you're not going to</p> <p>23 act that way --</p> <p>24 MR. JUBB: Whenever you're finished.</p> <p>25 MR. McCARRON: -- and tell --</p>

<p style="text-align: right;">Page 198</p> <p>1 MR. JUBB: Whenever you're finished.</p> <p>2 MR. McCARRON: -- mislead the -- by</p> <p>3 describing testimony that you know is out of context,</p> <p>4 and that's not what the context was.</p> <p>5 What is your question? And you will not</p> <p>6 intrude on the attorney-client relationship.</p> <p>7 BY MR. JUBB:</p> <p>8 Q Mr. Garabedian, after you got sued and</p> <p>9 Mr. Poulos got sued, you had multiple conversations</p> <p>10 with him, correct?</p> <p>11 A I don't recall how many conversations I had</p> <p>12 with him.</p> <p>13 Q You had conversations with him, correct?</p> <p>14 A Yes.</p> <p>15 Q And in those conversations they have actually</p> <p>16 been documented in notes, correct, that we just went</p> <p>17 over?</p> <p>18 A I believe so, yeah.</p> <p>19 Q And those were produced to, to us pursuant --</p> <p>20 A Yeah.</p> <p>21 Q -- to a court order, correct?</p> <p>22 A Yeah.</p> <p>23 Q And in there am I correct that you were</p> <p>24 trying to find him counsel, correct?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 200</p> <p>1 Q You never filed anything, right?</p> <p>2 A I just told you it's dormant.</p> <p>3 Q You never reached out to local counsel,</p> <p>4 right?</p> <p>5 A I just told you it's dormant.</p> <p>6 Q It's dormant. How long is it going to be</p> <p>7 dormant?</p> <p>8 A I don't know.</p> <p>9 Q When are you going to file something?</p> <p>10 A I don't know.</p> <p>11 Q When was the last time you talked to</p> <p>12 Mr. Poulos?</p> <p>13 A It's in the notes. I, I don't know.</p> <p>14 Q When he sued you and said that you told him</p> <p>15 there was a conflict of interest and he sued you for</p> <p>16 legal malpractice did you ever become aware of that?</p> <p>17 A If it's in the pleadings.</p> <p>18 Q Is that because you read the pleadings?</p> <p>19 A Please don't make faces at me.</p> <p>20 Q I'm just trying to get an under -- all this</p> <p>21 would be unnecessary, but now I have to lay, you know,</p> <p>22 a foundation for Fort Knox over here.</p> <p>23 But at some point in time you had a</p> <p>24 conversation with Mr. Poulos -- strike that.</p> <p>25 Am I correct that Mr. Poulos filed a legal</p>
<p style="text-align: right;">Page 199</p> <p>1 Q And in there at any point in time did you</p> <p>2 tell Mr. Poulos that you could not represent him,</p> <p>3 period?</p> <p>4 MR. McCARRON: In this case.</p> <p>5 MR. JUBB: My question just said did you</p> <p>6 tell him that you could no longer represent him,</p> <p>7 period.</p> <p>8 MR. McCARRON: The discussion was about</p> <p>9 this case. The conversations, as you know, reflected</p> <p>10 in the -- is about the representation for this case.</p> <p>11 MR. JUBB: I see.</p> <p>12 Q So --</p> <p>13 MR. POULOS: Asked and answered.</p> <p>14 Q Okay. So --</p> <p>15 MR. POULOS: It's asked and answered.</p> <p>16 Q So when you requested his medical records and</p> <p>17 those authorizations, what case did that have to do</p> <p>18 with?</p> <p>19 A His claim.</p> <p>20 Q His claim. What claim?</p> <p>21 A The sexual abuse claim.</p> <p>22 Q Okay. And where are you with that?</p> <p>23 A It's dormant.</p> <p>24 Q Have you ever contacted the school again?</p> <p>25 A No.</p>	<p style="text-align: right;">Page 201</p> <p>1 malpractice case against you?</p> <p>2 MR. McCARRON: Objection.</p> <p>3 A It was a --</p> <p>4 MR. McCARRON: Is this in some way</p> <p>5 calculated to lead to the discovery of something to do</p> <p>6 with a defamation claim?</p> <p>7 MR. JUBB: I'm, I'm getting into this</p> <p>8 because of your --</p> <p>9 MR. McCARRON: I'm just asking a</p> <p>10 question.</p> <p>11 MR. JUBB: -- previous statements on the</p> <p>12 record that there's somehow two things going on so I'm</p> <p>13 just trying to --</p> <p>14 MR. McCARRON: Well, there are, right?</p> <p>15 MR. JUBB: -- flush all of it out.</p> <p>16 MR. McCARRON: There are, right?</p> <p>17 MR. JUBB: You keep say -- there's not.</p> <p>18 MR. McCARRON: There's not two district</p> <p>19 matters. That's your position?</p> <p>20 MR. JUBB: No.</p> <p>21 MR. McCARRON: Oh.</p> <p>22 MR. POULOS: Lane, how is any of this</p> <p>23 relevant to the defamation case?</p> <p>24 MR. McCARRON: Yeah.</p> <p>25 MR. JUBB: So you're going to take the</p>



<p style="text-align: right;">Page 202</p> <p>1 advice from him on this one?</p> <p>2 MR. McCARRON: I just said it before</p> <p>3 Mr. Poulos did. But my point -- what I was about to</p> <p>4 say is you need to educate yourself about the concepts</p> <p>5 that are involved here because you -- your questions</p> <p>6 are -- either it's intentional whether they reflect</p> <p>7 ignorance about the concepts as they relate to</p> <p>8 professional responsibility. So I'm just making sure</p> <p>9 you use the concepts correctly.</p> <p>10 MR. JUBB: Anything else?</p> <p>11 MR. McCARRON: But what you're asking</p> <p>12 him has nothing to do with validity or invalidity of</p> <p>13 the defamation claim.</p> <p>14 MR. JUBB: Anything else?</p> <p>15 MR. McCARRON: Well, probably but go</p> <p>16 ahead and ask your question.</p> <p>17 MR. JUBB: Okay.</p> <p>18 BY MR. JUBB:</p> <p>19 Q Okay. Other than Mr. Poulos's statement to</p> <p>20 you, what basis do you have to say that my client</p> <p>21 sexually abused him?</p> <p>22 A Well, it's just in the file. Whatever's in</p> <p>23 the file.</p> <p>24 Q And you don't know what that is, right?</p> <p>25 A Well, I don't recall at this time.</p>	<p style="text-align: right;">Page 204</p> <p>1 MR. McCARRON: Press conferences?</p> <p>2 MR. JUBB: Yeah.</p> <p>3 MR. McCARRON: Is there a press</p> <p>4 conference that I'm unaware of, that I'm so ignorant of</p> <p>5 in this case because I don't -- you're -- is there a</p> <p>6 press conference that occurred with respect to</p> <p>7 Mr. Poulos?</p> <p>8 MR. JUBB: I don't know. I'll ask that</p> <p>9 question first.</p> <p>10 BY MR. JUBB:</p> <p>11 Q You didn't have a press conference for this</p> <p>12 one yet, did you?</p> <p>13 A Can you repeat the question?</p> <p>14 Q Did you have a press conference as it</p> <p>15 pertained to Mr. Poulos?</p> <p>16 A Not that I recall.</p> <p>17 Q Okay. Well, am I correct that over the last</p> <p>18 five years you've given more press conferences than you</p> <p>19 have tried cases to verdict?</p> <p>20 MR. McCARRON: Objection.</p> <p>21 A Yes.</p> <p>22 Q What's your understanding as to when</p> <p>23 Mr. Poulos told his mother of these allegations?</p> <p>24 A It's in the file. You'd have to look.</p> <p>25 Q In other words, what's written in your notes?</p>
<p style="text-align: right;">Page 203</p> <p>1 Q And as you sit here today, you just don't</p> <p>2 recall anything that's going to provide a basis for you</p> <p>3 to say that my client abused Mr. Poulos other than</p> <p>4 Mr. Poulos saying so; is that right?</p> <p>5 A I -- we produced the file.</p> <p>6 Q How many press conferences have you given in</p> <p>7 the last five years?</p> <p>8 MR. McCARRON: Objection. There was no</p> <p>9 press conference in this case.</p> <p>10 A I don't know.</p> <p>11 Q You don't know?</p> <p>12 A No.</p> <p>13 MR. POULOS: Irrelevant.</p> <p>14 Q Have you given more -- strike that.</p> <p>15 Have you given more than ten press</p> <p>16 conferences?</p> <p>17 MR. McCARRON: Objection. I want to</p> <p>18 alert you that this is abusive. It's abusive.</p> <p>19 MR. POULOS: Again, how is that</p> <p>20 relevant?</p> <p>21 MR. McCARRON: It's abusive.</p> <p>22 MR. JUBB: It's, it's not abusive.</p> <p>23 MR. McCARRON: It is.</p> <p>24 MR. JUBB: No. And you'll -- at trial</p> <p>25 you will see how this all comes together.</p>	<p style="text-align: right;">Page 205</p> <p>1 A Yes.</p> <p>2 Q As of the time that you sent Mr. Poulos the</p> <p>3 fee agreement and he became your client -- strike that.</p> <p>4 As of April of 2018 did you have -- strike</p> <p>5 that.</p> <p>6 Am I correct that before you can determine</p> <p>7 that you have a viable claim, you actually have to know</p> <p>8 what elements you need to prove?</p> <p>9 A I don't know what you mean by that.</p> <p>10 Q Sure. Well, when I -- when you say that you</p> <p>11 have a viable claim am I correct that that means that</p> <p>12 you believe that you have facts to support the elements</p> <p>13 of a legal claim?</p> <p>14 MR. McCARRON: Objection.</p> <p>15 A Yes.</p> <p>16 Q Okay. And as of April 2018 were you aware of</p> <p>17 the elements necessary to prove a claim against The</p> <p>18 Hill School?</p> <p>19 MR. McCARRON: Objection.</p> <p>20 A I believe I had sufficient evidence.</p> <p>21 Q What were the elements to a claim to prove a</p> <p>22 claim against The Hill School?</p> <p>23 MR. McCARRON: Objection. Don't answer</p> <p>24 that.</p> <p>25 Q Did you ever consider that?</p>

<p style="text-align: right;">Page 206</p> <p>1 MR. McCARRON: Objection. Consider</p> <p>2 what?</p> <p>3 Q Did you ever consider the elements that would</p> <p>4 be necessary to prove a case against The Hill School?</p> <p>5 MR. McCARRON: You can answer that</p> <p>6 question. That's all. Yes or no.</p> <p>7 A Yes.</p> <p>8 Q Okay. And at the time do you know what they</p> <p>9 were?</p> <p>10 A Well, --</p> <p>11 MR. McCARRON: Objection.</p> <p>12 A -- liability, causation, damages.</p> <p>13 Q Did you need to prove notice?</p> <p>14 MR. McCARRON: Objection. Do you</p> <p>15 represent The Hill School, Mr. Jubb?</p> <p>16 MR. JUBB: No, I don't rep --</p> <p>17 MR. McCARRON: Okay. Then this is a</p> <p>18 completely irrelevant, --</p> <p>19 MR. JUBB: It's not.</p> <p>20 MR. McCARRON: -- abusive question</p> <p>21 because it is. It is. It is. It is.</p> <p>22 BY MR. JUBB:</p> <p>23 Q Mr. Garabedian, what facts existed that were</p> <p>24 known to you that would form the basis of a cause of</p> <p>25 action against The Hill School?</p>	<p style="text-align: right;">Page 208</p> <p>1 to do with --</p> <p>2 MR. JUBB: I have seven hours. I'm</p> <p>3 trying to speed this up.</p> <p>4 MR. McCARRON: You're not trying to</p> <p>5 speed it up.</p> <p>6 MR. JUBB: I'm being as efficient as</p> <p>7 possible in all my questions --</p> <p>8 MR. McCARRON: You're asking him abusive</p> <p>9 questions. You're just trying to occupy your time is</p> <p>10 all you're trying to do.</p> <p>11 MR. JUBB: Okay.</p> <p>12 MR. McCARRON: It's obvious because</p> <p>13 you're gaining nothing. Go ahead.</p> <p>14 MR. JUBB: Sure.</p> <p>15 MR. McCARRON: I just want you to know I</p> <p>16 consider it abusive. I'll have to decide what to do</p> <p>17 about it.</p> <p>18 MR. JUBB: Okay. Well ...</p> <p>19 BY MR. JUBB:</p> <p>20 Q Was one of the reasons for writing a letter</p> <p>21 to The Hill School to set forth a basis for a potential</p> <p>22 claim?</p> <p>23 A Excuse me?</p> <p>24 Q Was one of the reasons to write a letter to</p> <p>25 The Hill School to set forth a factual basis for a</p>
<p style="text-align: right;">Page 207</p> <p>1 MR. McCARRON: Objection.</p> <p>2 A You'd have to -- I'd, I'd have to look at the</p> <p>3 file. I don't recall. But these cases developed over</p> <p>4 time also.</p> <p>5 Q Was there any indication from Mr. Poulos to</p> <p>6 you, your colleagues, in your notes suggesting that the</p> <p>7 school had notice of anything?</p> <p>8 MR. McCARRON: Objection.</p> <p>9 A I don't recall.</p> <p>10 MR. McCARRON: I'm sorry. Does, does</p> <p>11 this question have anything to do with the validity of</p> <p>12 the statements or the ac -- I'm sorry, the validity of</p> <p>13 a defamation claim?</p> <p>14 MR. JUBB: Yeah.</p> <p>15 MR. McCARRON: Can you justify that to</p> <p>16 me?</p> <p>17 MR. JUBB: I can. Are you going to</p> <p>18 continue to ask that for every single question?</p> <p>19 MR. McCARRON: Well, --</p> <p>20 MR. JUBB: I mean I just --</p> <p>21 MR. McCARRON: Because you can inform me</p> <p>22 in which case I'll stop.</p> <p>23 MR. JUBB: We've only been go -- I'm</p> <p>24 trying to speed this up. It's now 2:21.</p> <p>25 MR. McCARRON: Go ahead. It has nothing</p>	<p style="text-align: right;">Page 209</p> <p>1 legal claim?</p> <p>2 A It was a notice letter to the school.</p> <p>3 Q Okay. A notice letter. And at the time were</p> <p>4 you aware of what the elements were in order to prove a</p> <p>5 case against The Hill School?</p> <p>6 MR. McCARRON: Objection.</p> <p>7 A Liability. Causation. Damages. The Hill</p> <p>8 School had sent out a letter talking about abuses in</p> <p>9 their past. I mean ...</p> <p>10 Q And you reviewed that letter?</p> <p>11 A Yes.</p> <p>12 Q Okay. And when you reviewed that letter --</p> <p>13 when did you review it?</p> <p>14 A I don't recall.</p> <p>15 Q And when you reviewed that letter did you</p> <p>16 interpret that to mean that they were referring to</p> <p>17 Mr. Ralston?</p> <p>18 A Maybe.</p> <p>19 Q Okay. And in doing that what did the letter</p> <p>20 tell the students to do?</p> <p>21 MR. McCARRON: Objection. He's not</p> <p>22 going to be a source of information about the letter.</p> <p>23 A I don't know what you mean if it was -- I --</p> <p>24 it was like a three-page letter. I don't know what</p> <p>25 you ...</p>

<p style="text-align: right;">Page 210</p> <p>1 Q All right. Well, when you reviewed the</p> <p>2 letter did you advise Mr. Poulos as to what it meant?</p> <p>3 A I don't recall.</p> <p>4 MR. McCARRON: Objection.</p> <p>5 MR. JUBB: We're up to Garabedian 19.</p> <p>6 (Exhibit 19 marked</p> <p>7 for identification)</p> <p>8 Q Mr. Garabedian, is this the CFA that you had</p> <p>9 Mr. Poulos sign?</p> <p>10 A Yes.</p> <p>11 Q Do you have template or form document CFAs?</p> <p>12 A Yes.</p> <p>13 MR. McCARRON: Objection.</p> <p>14 Q Is this a CFA that you have clients sign when</p> <p>15 their case is -- strike that.</p> <p>16 Is this the form that you have clients sign</p> <p>17 when their potential claim has -- is expired for the</p> <p>18 statute of limitations?</p> <p>19 A Yes.</p> <p>20 Q Am I correct that per the fee agreement that</p> <p>21 you and Mr. Poulos wrote that you agree that a</p> <p>22 complaint or lawsuit will not be filed in this matter?</p> <p>23 A Yes.</p> <p>24 Q Have you entered into any other fee</p> <p>25 agreements with Mr. Poulos?</p>	<p style="text-align: right;">Page 212</p> <p>1 claims that were made against you?</p> <p>2 A There were discussions.</p> <p>3 Q Can you tell me about those discussions,</p> <p>4 please.</p> <p>5 A I don't recall specifically.</p> <p>6 Q What do you -- where did it occur?</p> <p>7 A My office.</p> <p>8 Q Who, who attended?</p> <p>9 A My associates.</p> <p>10 Q Which associates?</p> <p>11 A William Gordon.</p> <p>12 Q Who else?</p> <p>13 A I'm not sure.</p> <p>14 Q Mr. Gaul?</p> <p>15 A I may have had a few brief discussions with</p> <p>16 him. I'm not sure.</p> <p>17 Q What about Mr. Mahoney?</p> <p>18 A Maybe a few brief discussions.</p> <p>19 Q And that would have occurred in April of 2019</p> <p>20 or at least after April 2019, correct?</p> <p>21 A Maybe.</p> <p>22 Q Did this meeting take place in a conference</p> <p>23 room in your office?</p> <p>24 A Oh, it wasn't a group meeting if, if there</p> <p>25 was like a meeting.</p>
<p style="text-align: right;">Page 211</p> <p>1 A No, I -- not that I recall.</p> <p>2 Q Do you know whether or not you can</p> <p>3 represent -- strike that.</p> <p>4 In Massachusetts can you represent a client</p> <p>5 on a contingent basis without a Contingent Fee</p> <p>6 Agreement?</p> <p>7 A I don't believe so.</p> <p>8 Q Have you reviewed any of the documents that</p> <p>9 were produced by my client in this case responsive to</p> <p>10 your discovery requests?</p> <p>11 A No.</p> <p>12 Q Has anyone from your office reviewed those</p> <p>13 documents that you're aware of?</p> <p>14 A Not that I know of.</p> <p>15 Q After your office was sued -- strike that.</p> <p>16 After you received the initial complaint did</p> <p>17 you have any sort of meeting with the associates that</p> <p>18 were involved in Mr. Poulos?</p> <p>19 A With regard to this matter or just meeting</p> <p>20 them every day? I mean I don't know ...</p> <p>21 Q No, I don't care to know what -- you know,</p> <p>22 you guys meet in the lunch room. I'm specifically</p> <p>23 talking about this case so I'll clarify for you.</p> <p>24 At any point in time after you were sued did</p> <p>25 you have a meeting with your associates about the</p>	<p style="text-align: right;">Page 213</p> <p>1 Q Were you doing any sort of independent</p> <p>2 investigation into the claims that were being made</p> <p>3 against you?</p> <p>4 A No.</p> <p>5 Q And in these discussions with Mr. Gordon what</p> <p>6 did you talk about?</p> <p>7 A I don't recall.</p> <p>8 Q What about Mr. Gaul, what did you talk about?</p> <p>9 A I don't recall.</p> <p>10 Q Mr. Mahoney?</p> <p>11 A I don't recall.</p> <p>12 Q Did you ever ask anybody in your office who</p> <p>13 wrote these letters?</p> <p>14 MR. McCARRON: You already asked him</p> <p>15 that.</p> <p>16 MR. JUBB: I don't believe I did.</p> <p>17 A I don't recall.</p> <p>18 MR. JUBB: Let's take two minutes.</p> <p>19 THE VIDEOGRAPHER: The time is 2:28 p.m.</p> <p>20 We're off the record.</p> <p>21 (Break was taken.)</p> <p>22 THE VIDEOGRAPHER: The time is 2:34 p.m.</p> <p>23 We're on the record.</p> <p>24 BY MR. JUBB:</p> <p>25 Q Mr. Garabedian, take us through the process</p>

<p style="text-align: right;">Page 214</p> <p>1 of how you evaluate potential claims when someone comes</p> <p>2 into your office claiming sexual abuse.</p> <p>3 A I ask some questions. I collect records. I</p> <p>4 review the records.</p> <p>5 Q Do you ask for --</p> <p>6 A Excuse me.</p> <p>7 Q I'm sorry. Did you say excuse me because I</p> <p>8 interrupted you or ...</p> <p>9 A No, I was coughing.</p> <p>10 Q Okay. Do you ask your potential clients for</p> <p>11 any corroborating witnesses?</p> <p>12 A Yes.</p> <p>13 Q Do you obtain their records from the location</p> <p>14 in which the abuse is alleged to have occurred?</p> <p>15 A Sometimes.</p> <p>16 Q Can you give me an example of when you</p> <p>17 wouldn't need to do that?</p> <p>18 A When the institution or the entity will not</p> <p>19 give me the records.</p> <p>20 Q In other words, if, if you send a record</p> <p>21 request and you don't get the records then you don't</p> <p>22 need them; is that it?</p> <p>23 A Well, I send the req -- request and they say</p> <p>24 we're not giving you the records.</p> <p>25 Q And is that something that comes back in in</p>	<p style="text-align: right;">Page 216</p> <p>1 Q Have you had any discussions with any sort of</p> <p>2 state representatives to try and change the statute of</p> <p>3 limitations?</p> <p>4 A I don't know. I don't know.</p> <p>5 MR. McCARRON: In any particular</p> <p>6 location or are you -- just generally?</p> <p>7 MR. JUBB: Okay. Yeah.</p> <p>8 Q So my last question, so let's just talk about</p> <p>9 Massachusetts.</p> <p>10 Have you had any discussions with any</p> <p>11 representatives from the state to change or attempt to</p> <p>12 change the statute of limitations in Massachusetts?</p> <p>13 A Oh, yes, I was very active around 2011, '12,</p> <p>14 '13, '14.</p> <p>15 Q Okay. And have you had any discussions with</p> <p>16 any state representatives from Pennsylvania trying to</p> <p>17 change the statute of limitations?</p> <p>18 A I don't know. I don't remember.</p> <p>19 Q Well, as you sit here do you have any basis</p> <p>20 to conclude that you did?</p> <p>21 A I may have.</p> <p>22 Q Okay. Well, how would you go about doing</p> <p>23 that?</p> <p>24 A Sometimes they call me.</p> <p>25 Q Did you ever get a phone call from a state</p>
<p style="text-align: right;">Page 215</p> <p>1 writing?</p> <p>2 A Sometimes. Sometimes I get a phone call.</p> <p>3 Q Do you do any sort of independent</p> <p>4 investigation? And that's a little too broad so I'll</p> <p>5 clarify that for you.</p> <p>6 Do you personally review the documents?</p> <p>7 A If I don't someone from my office would.</p> <p>8 Q Do you speak -- if the potential client is</p> <p>9 telling you, you know, this person can, you know,</p> <p>10 corroborate that this occurred do you speak with those</p> <p>11 people?</p> <p>12 A Sometimes.</p> <p>13 Q Why would you want to do that?</p> <p>14 A Find out what they know.</p> <p>15 Q Now, with respect to Mr. Poulos's discussion</p> <p>16 initially with you and the fact that you had relayed to</p> <p>17 him that the statute of limitations had expired, how</p> <p>18 was it that you knew the statute of limitations</p> <p>19 expired?</p> <p>20 A I don't know of ... just the law. I mean ...</p> <p>21 Q And you were referring to Pennsylvania</p> <p>22 statute of limitations, correct?</p> <p>23 A Yes.</p> <p>24 Q Are you a registered lobbyist in any way?</p> <p>25 A No.</p>	<p style="text-align: right;">Page 217</p> <p>1 representative here?</p> <p>2 A I don't recall.</p> <p>3 Q Well, do you, you know, keep track of these</p> <p>4 types of things?</p> <p>5 A No.</p> <p>6 Q No. So if --</p> <p>7 A I get a lot of phone calls.</p> <p>8 Q Sure. Sure.</p> <p>9 But have you ever had any discussion that you</p> <p>10 can recall trying to change the statute of limitations</p> <p>11 in Pennsylvania?</p> <p>12 A I don't know. I'm not sure.</p> <p>13 Q And when you say you're not sure am I correct</p> <p>14 that nothing comes to mind?</p> <p>15 A That's right. I mean there are -- I may have</p> <p>16 been interviewed by newspapers or the media in</p> <p>17 Pennsylvania about the statute of limitations. I may</p> <p>18 have been contacted by groups. I, I don't recall.</p> <p>19 Q What groups?</p> <p>20 A I don't know.</p> <p>21 Q When you say you may have been contacted,</p> <p>22 when was that?</p> <p>23 A Through the years. I mean a lot of years.</p> <p>24 Q You've never -- strike that.</p> <p>25 Am I correct you've never filed a case in</p>

<p style="text-align: right;">Page 218</p> <p>1 Pennsylvania? I thought that's what your testimony was</p> <p>2 previously.</p> <p>3 A I, I believe you're cor -- I have not. I</p> <p>4 don't believe I have.</p> <p>5 Q In this instance you never contacted any</p> <p>6 local counsel, correct?</p> <p>7 A No. Correct. Sorry.</p> <p>8 MR. JUBB: I believe we -- this was</p> <p>9 already marked unless I'm mistaken. I'm just going to</p> <p>10 remark this, if it was so forgive me.</p> <p>11 MR. McCARRON: Which is it?</p> <p>12 MR. JUBB: Garabedian 47. Garabedian</p> <p>13 File 47. Yeah, we did. It's actually 12. Oh, no,</p> <p>14 that's the difference because there's Garabedian File</p> <p>15 27.</p> <p>16 So for the record, I'm going to mark as</p> <p>17 Garabedian 20, a document that was previously produced</p> <p>18 as Garabedian File 47.</p> <p>19 MR. McCARRON: And is that the same as</p> <p>20 Garabedian -- it is, 12. Why are you doing that?</p> <p>21 MR. JUBB: It's not. That's</p> <p>22 Garabedian -- see, this is the way you guys Bates it.</p> <p>23 MR. McCARRON: Oh, I'm sorry. File 47,</p> <p>24 sorry. Okay.</p> <p>25 MR. JUBB: You can mark that for me.</p>	<p style="text-align: right;">Page 220</p> <p>1 would have read that line?</p> <p>2 A I mean if I read the letter.</p> <p>3 Q Okay. Well, based off of your experience am</p> <p>4 I correct that you were aware as of this time, which is</p> <p>5 December of 2017, that these schools or boarding</p> <p>6 schools, that board of trustees are often involved in</p> <p>7 these types of situations?</p> <p>8 MR. McCARRON: Objection. I don't --</p> <p>9 that questions makes no sense to me but ...</p> <p>10 A I don't know.</p> <p>11 Q Well, when -- strike that since we don't know</p> <p>12 if you sent the letter personally to the school.</p> <p>13 Do you have an un -- strike that.</p> <p>14 Do you have an understanding as to whether or</p> <p>15 not a headmaster would be reporting claims of sexual</p> <p>16 abuse to boards of trustees?</p> <p>17 A I don't know the -- their process.</p> <p>18 Q But that is a possibility, right?</p> <p>19 A It's a possibility.</p> <p>20 Q And as someone involved in making claims --</p> <p>21 strike that.</p> <p>22 In looking at this letter, it identifies both</p> <p>23 Ms. Gomez as well as Ms. Smith as individuals who can</p> <p>24 be contacted or that you can email Mr. Lehman at his</p> <p>25 email address. Did you read that?</p>
<p style="text-align: right;">Page 219</p> <p>1 Thank you.</p> <p>2 (Exhibit 20 marked</p> <p>3 for identification)</p> <p>4 Q Okay. Mr. Garabedian, this is an email from</p> <p>5 Ms. Poulos to you, correct?</p> <p>6 A Yes.</p> <p>7 Q And in here there is an attachment which was</p> <p>8 the email from the headmaster of The Hill School to</p> <p>9 alumni dated November 20th, 2017, correct?</p> <p>10 A Yes.</p> <p>11 Q And what I've handed you is Garabedian File</p> <p>12 47 through Garabedian File 50, and am I correct that</p> <p>13 whether or not you've read Ms. Poulos's email, you've</p> <p>14 seen this email from The Hill School before; is that</p> <p>15 fair?</p> <p>16 MR. McCARRON: It's a letter, isn't it?</p> <p>17 Whatever it is, okay.</p> <p>18 Q Do you remember my question?</p> <p>19 A Yes.</p> <p>20 Q Okay. And in here when you read this, this</p> <p>21 email, the second paragraph of this says: At that</p> <p>22 time, with the unanimous support of the Board of</p> <p>23 Trustees, I initiated a review of historical</p> <p>24 allegations of abuse at The Hill and the School's</p> <p>25 responses to those allegations. Do you believe you</p>	<p style="text-align: right;">Page 221</p> <p>1 A Where are you -- where in the letter is that?</p> <p>2 Q I'm on Garabedian 49 at the top.</p> <p>3 A Yes.</p> <p>4 Q When you reviewed this did this appear to you</p> <p>5 to be some effort of some sort of cover up?</p> <p>6 A I didn't know what it was.</p> <p>7 Q Did it appear to be something that was</p> <p>8 proactive?</p> <p>9 A Yes.</p> <p>10 Q And when you read this letter had you ever</p> <p>11 heard of the firm Cozen O'Connor before?</p> <p>12 A No.</p> <p>13 Q And I'll be fully candid. I'm, I'm not sure</p> <p>14 if they do have a, a location in Boston.</p> <p>15 But have you ever worked with any individuals</p> <p>16 from Pepper Hamilton?</p> <p>17 A No. Not that I recall.</p> <p>18 Q But when you reviewed this did you have an</p> <p>19 understanding that Ms. Gomez and Ms. Smith were</p> <p>20 attorneys?</p> <p>21 A It didn't say they were attorneys.</p> <p>22 Q Did you make any effort to look up what Cozen</p> <p>23 O'Connor was?</p> <p>24 A I don't recall.</p> <p>25 Q Was there any particular reason why you</p>


<p style="text-align: right;">Page 222</p> <p>1 didn't email Mr. Lehman?</p> <p>2 A About what?</p> <p>3 Q Well, would you agree with me that your</p> <p>4 letter to him went out -- is it U.S. Mail?</p> <p>5 A Yes.</p> <p>6 Q Was there any particular reason you chose to</p> <p>7 send it by U.S. Mail as opposed to contacting him</p> <p>8 through his email address?</p> <p>9 A No.</p> <p>10 Q Have you ever -- strike that.</p> <p>11 I know this might be a difficult number to</p> <p>12 calculate, but approximately how many individuals have</p> <p>13 you represented who have made allegations of sexual</p> <p>14 abuse as a minor?</p> <p>15 A I don't know. I mean I -- I don't have a</p> <p>16 count of that.</p> <p>17 Q It's thousands, correct?</p> <p>18 A Well, more than 2,000 probably.</p> <p>19 Q Okay. Have you ever prior to Mr. Poulos ever</p> <p>20 received any sort of complaints against The Hill</p> <p>21 School?</p> <p>22 A I don't recall.</p> <p>23 Q You've never filed a lawsuit against them,</p> <p>24 correct?</p> <p>25 A Correct.</p>	<p style="text-align: right;">Page 224</p> <p>1 A Yes.</p> <p>2 Q And then again, just to, to tighten this up,</p> <p>3 as you sit here today have I spurred any sort of</p> <p>4 independent recollections of conversations that you had</p> <p>5 with Mary Ellen Poulos?</p> <p>6 A Have you spurred any?</p> <p>7 Q Yeah. Because it's my understanding that you</p> <p>8 don't recall speaking to her, so we've just spent a</p> <p>9 good bit of, you know, time going over this stuff, do</p> <p>10 you recall any discussions with her?</p> <p>11 A Not specifically, but I know I've spoken to</p> <p>12 her in the past.</p> <p>13 Q All right. And again with respect to</p> <p>14 Mr. Poulos, other than what you have documented in the</p> <p>15 records do you have any recollections of discussions</p> <p>16 with him? You're shaking your head. I'm sorry.</p> <p>17 A I, I don't understand your question.</p> <p>18 Q Sure. Other than what is -- strike that.</p> <p>19 Other than what is reflected in the</p> <p>20 handwritten notes that you've provided in this case do</p> <p>21 you have any recollections of speaking with Mr. Poulos</p> <p>22 outside of what is documented in those records?</p> <p>23 A Not specifically.</p> <p>24 Q And I know that you said that you don't</p> <p>25 recall looking through Mr. Poulos's Hill School</p>
<p style="text-align: right;">Page 223</p> <p>1 Q In your review -- strike that.</p> <p>2 In the documents that have been provided to</p> <p>3 you that were produced from us did you review any of my</p> <p>4 client's former files from The Hill School?</p> <p>5 A I don't believe so. I don't recall.</p> <p>6 MR. JUBB: And then this is going to be</p> <p>7 Garabedian 21. And you can probably just refer to both</p> <p>8 of them just because it references this. And this is</p> <p>9 going to be Hill 240.</p> <p>10 (Exhibit 21 marked</p> <p>11 for identification)</p> <p>12 Q Mr. Garabedian, in looking at the</p> <p>13 November 2017 email that was previously marked as</p> <p>14 Garabedian 20, the headmaster of the school references</p> <p>15 the April 23rd, 2016 email/letter. Do you see that?</p> <p>16 A Right. Yes.</p> <p>17 Q Did you ever review the April 23rd, 2016</p> <p>18 letter from the school?</p> <p>19 A Is that Exhibit 21 you're referring to?</p> <p>20 Q That's Exhibit 21, yes, sir.</p> <p>21 A I don't recall.</p> <p>22 Q I will represent to you that I didn't see</p> <p>23 this produced as part of your file. Am I correct that</p> <p>24 if this was sent to you by email, you would have</p> <p>25 produced that to me, correct?</p>	<p style="text-align: right;">Page 225</p> <p>1 records, but as you sit here today do you believe that</p> <p>2 you have?</p> <p>3 A I don't recall. I'm sorry.</p> <p>4 Q All right. And, and again, I -- I'm not</p> <p>5 trying to be repetitive here, but is there anything</p> <p>6 about Mr. Poulos's school records that comes to mind</p> <p>7 when I say, you know, did you look at them? I mean do</p> <p>8 recall seeing any documents whatsoever from them?</p> <p>9 A I'd have to read them again. I'm sorry.</p> <p>10 Q Well, when you say "read them again", when</p> <p>11 they were produced to you after the letter do you have</p> <p>12 a pattern and practice of reviewing those types of</p> <p>13 things yourself?</p> <p>14 A Sometimes.</p> <p>15 MR. McCARRON: Objection.</p> <p>16 MS. DOUGHERTY: Objection.</p> <p>17 MR. McCARRON: Yeah, I just --</p> <p>18 MS. DOUGHERTY: This is Candi.</p> <p>19 MR. McCARRON: I just, I -- Candi, I</p> <p>20 was --</p> <p>21 MR. JUBB: What?</p> <p>22 MR. McCARRON: I had just made the</p> <p>23 objection.</p> <p>24 MR. JUBB: Jesus.</p> <p>25 MR. McCARRON: Just a second.</p>



<p style="text-align: right;">Page 226</p> <p>1 Mr. Jubb, your question, as I understand</p> <p>2 it, is inaccurate in the sense that you suggested in</p> <p>3 your question that the records showed up after the</p> <p>4 letter was sent, the school records.</p> <p>5 MR. JUBB: Okay. Let's -- we can go</p> <p>6 over this again.</p> <p>7 Q Mr. Garabedian, --</p> <p>8 MR. McCARRON: No. No.</p> <p>9 MR. JUBB: I disagree.</p> <p>10 MR. McCARRON: The records have the</p> <p>11 dates on them or whatever, right. But my objection is</p> <p>12 what my objection is. Just you don't need to include</p> <p>13 those facts in your question to learn the information</p> <p>14 you were trying to learn. It's just that every once in</p> <p>15 awhile you try to include a fact as I'm going to call</p> <p>16 it commentary and so that was one such incident.</p> <p>17 MR. JUBB: I just want to be clear. Are</p> <p>18 you telling me that your records reflect that The Hill</p> <p>19 School records were received prior -- of Mr. Poulos</p> <p>20 were received prior to April 11th, 2018?</p> <p>21 MR. McCARRON: At the moment we don't</p> <p>22 need to get into this debate. But the point I'm trying</p> <p>23 to make is you don't need to include in your question,</p> <p>24 and I object to it, to including the -- that -- your</p> <p>25 commentary, that's what I'm going to call it, about the</p>	<p style="text-align: right;">Page 228</p> <p>1 MS. DOUGHERTY: Mr. Jubb, you know that</p> <p>2 your question is not on a good faith basis.</p> <p>3 MR. JUBB: Okay, guys.</p> <p>4 MS. DOUGHERTY: I direct your attention</p> <p>5 to Garabedian 0235.</p> <p>6 MR. POULOS: I concur.</p> <p>7 MS. JUBB: Okay. I have a question.</p> <p>8 Who's representing Mr. Garabedian in this deposition,</p> <p>9 Ms. Dougherty? I didn't even know you showed up. So</p> <p>10 let's make sure that the record reflects she's here.</p> <p>11 MR. McCARRON: Well, it's ... whatever.</p> <p>12 MS. DOUGHERTY: Yeah, Mr. Jubb, I</p> <p>13 announced to your office that I would participate via</p> <p>14 Zoom.</p> <p>15 MR. JUBB: Okay.</p> <p>16 MS. DOUGHERTY: And I have been here for</p> <p>17 awhile. And I'm not going to sit --</p> <p>18 MR. POULOS: (Inaudible.)</p> <p>19 MS. DOUGHERTY -- while you ask a</p> <p>20 question that doesn't have a good faith basis.</p> <p>21 MR. JUBB: I have no idea what you're</p> <p>22 talking about. You guys -- okay.</p> <p>23 MR. McCARRON: Like I told you, you</p> <p>24 didn't need to have this debate. You're the one that</p> <p>25 decide to have the debate so --</p>
<p style="text-align: right;">Page 227</p> <p>1 records being received after the letter. So you don't</p> <p>2 need to include it. Just ask the question, whatever it</p> <p>3 was. I don't even remember at this point what you</p> <p>4 were -- the fact you were trying to learn, but it</p> <p>5 didn't relate to that.</p> <p>6 MR. JUBB: Okay.</p> <p>7 BY MR. JUBB:</p> <p>8 Q Mr. Garabedian, did -- prior to writing the</p> <p>9 letter am I correct that you have no knowledge, as you</p> <p>10 sit here today, to suggest that you did receive</p> <p>11 Mr. Poulos's records by then?</p> <p>12 A I don't recall.</p> <p>13 Q And since you don't recall receiving them,</p> <p>14 you can't say one way or the other as to whether or not</p> <p>15 you reviewed them prior to writing the letter; is that</p> <p>16 correct?</p> <p>17 A Correct.</p> <p>18 Q And after you had writ -- strike that.</p> <p>19 After the April 11th, 2018 letter am I</p> <p>20 correct at some point you received Mr. Poulos's Hill</p> <p>21 School records?</p> <p>22 A I don't recall.</p> <p>23 Q Do you have any recoll --</p> <p>24 MS. DOUGHERTY: Objection.</p> <p>25 MR. JUBB: Is there two --</p>	<p style="text-align: right;">Page 229</p> <p>1 MR. JUBB: I have no idea what the issue</p> <p>2 is.</p> <p>3 MR. McCARRON: Why are you doing it?</p> <p>4 Why are you doing it?</p> <p>5 MR. JUBB: Because you have your</p> <p>6 associate chiming in on a phone call in a deposition</p> <p>7 that I thought he was represented, but I'm asking a</p> <p>8 question as to whether or not he looked at the records</p> <p>9 subsequent to writing the letter. I don't understand</p> <p>10 how that's objectionable.</p> <p>11 MR. McCARRON: You've created a problem.</p> <p>12 You already established, and he's already testified he</p> <p>13 didn't know one way or other whether there were or</p> <p>14 weren't the records present before the letter didn't or</p> <p>15 didn't -- I mean before the letter went, okay. So I</p> <p>16 tried to get you past this by saying we don't need to</p> <p>17 debate it now, and you don't need it for your</p> <p>18 questions; but you want to do it so now you're</p> <p>19 involved.</p> <p>20 MR. JUBB: Jeff, the only reason I'm</p> <p>21 having to do this is because you guys are, are</p> <p>22 suggesting that I'm somehow not accurately representing</p> <p>23 the record.</p> <p>24 MR. McCARRON: You don't need to have</p> <p>25 the information to continue with your questions. Just</p>

<p style="text-align: right;">Page 230</p> <p>1 continue with your questions. But the point is, is you  2 can't suggest in any question that he didn't have  3 records, that you do not have a basis to believe he did  4 not have records.</p> <p>5 MR. JUBB: Okay. And this is where I  6 think we're having a problem. Do you have documents  7 suggesting that he did receive these records prior to,  8 to, right, prior to the April 11, '18 letter because I  9 don't. And that's where -- and when I said that and  10 Candi's screaming through the records -- or through the  11 microphone, that's what I'm asking about. I didn't  12 know what was wrong with that because I have -- I  13 believe the opposite.</p> <p>14 MR. McCARRON: But my point -- if you  15 want to do that I guess we can --</p> <p>16 MR. JUBB: It was just to --</p> <p>17 MS. DOUGHERTY: Mr. Jubb, I wasn't --</p> <p>18 MR. JUBB: -- it was just to clarify the  19 timeframe because I don't want to say have you ever  20 reviewed the records and his response is I don't  21 recall.</p> <p>22 MR. McCARRON: I'm not --</p> <p>23 MR. JUBB: I'm trying to go timeframe by  24 timeframe, guys.</p> <p>25 MR. McCARRON: You can try to convince</p>	<p style="text-align: right;">Page 232</p> <p>1 MR. JUBB: I agree. That's why I don't  2 understand --</p> <p>3 MR. POULOS: I don't see how that's  4 relevant as to time.</p> <p>5 MR. JUBB: I don't -- that's why I'm  6 confused is if it's not an issue why is everybody  7 screaming at me that I have some bad faith for, for  8 representing it. I'm trying to get a specific  9 timeframe.</p> <p>10 MR. McCARRON: Because you continue --</p> <p>11 MR. POULOS: Because it's not relevant.</p> <p>12 MR. McCARRON: It's also the fact -- it  13 is not relevant because there is no question that  14 Mr. Poulos was a student at the time that's -- at the  15 time Mr. Ralston was also a teacher there and it was  16 also Mr. Ralston who was a teacher of Mr. Poulos at the  17 time.</p> <p>18 So for whatever reason, you know, you,  19 you can't prove that your client is not a molester just  20 because Mr. -- you know, you want to raise doubt about  21 whether Mr. Garabedian did or didn't have the records  22 at the time is completely irrelevant. It doesn't prove  23 that, that Mr. Poulos's experience didn't happen.</p> <p>24 MR. JUBB: Anything else?</p> <p>25 MR. McCARRON: But if that's ---</p>
<p style="text-align: right;">Page 231</p> <p>1 us of your innocence, but that doesn't --</p> <p>2 MR. JUBB: You know, I don't need to  3 convince you of anything. This is ridiculous. You  4 don't know the records like I do, and that's been  5 reflected through these objections, so that's not fair.</p> <p>6 MR. McCARRON: No, I don't think it has  7 been reflected at all.</p> <p>8 MR. JUBB: Okay.</p> <p>9 MR. McCARRON: In fact, I think you're  10 again misstating and overexaggerating the situation.  11 But I tried to -- I, I tried to get through this in the  12 sense that you don't necessarily need to, to do this  13 right now, but you want to insist on doing it so ...</p> <p>14 MR. JUBB: Well, I, I need to -- if  15 there -- if it's going to be contested then I need to  16 explore it.</p> <p>17 MR. McCARRON: You need to contest what?</p> <p>18 MR. JUBB: It seems to be based off your  19 objections that it's somehow going to be contested that  20 he got the records before writing the letter.</p> <p>21 MR. McCARRON: I don't know why  22 you've -- the deposition isn't now the opportunity  23 to -- I'm not sure what you're talking about contested,  24 but this isn't the opportunity for that discussion or  25 debate or whatever.</p>	<p style="text-align: right;">Page 233</p> <p>1 MR. JUBB: That has nothing to do with  2 why I'm asking the question. I mean I literally --  3 you're right, it has nothing to do with whether or not  4 Poulos went to the school.</p> <p>5 MR. McCARRON: Then I don't know why you  6 would persist. I don't think it's necessary which is  7 what I said to you earlier and then you did it again  8 which prompted Candi's objection because ...</p> <p>9 MR. JUBB: Well, I'm going to ask the  10 question and you guys make your, make your objection  11 and we'll see if the court disagrees that it's  12 relevant.</p> <p>13 BY MR. JUBB:</p> <p>14 Q Mr. Garabedian, as you sit here today do you  15 believe that you obtained Mr. Poulos's Hill School  16 records before that letter of April 2018 went out?</p> <p>17 A I don't recall.</p> <p>18 MR. POULOS: Objection.</p> <p>19 Q Okay. And as you sit here today --</p> <p>20 MR. McCARRON: Let me just say. I do  21 have an objection. As I said before, it's not just --  22 in my description, it's not relevant, it's not  23 reasonably calculated, and it is abusive, especially  24 when you've been through this a number of times.  25 Anyway, go ahead. He's already told you that.</p>

<p style="text-align: right;">Page 234</p> <p>1 MR. JUBB: Okay. And I'm just trying</p> <p>2 to -- because he doesn't recall anything so I'm just</p> <p>3 trying to figure out a timeframe.</p> <p>4 MR. McCARRON: Just ask your question.</p> <p>5 MR. JUBB: I'm responding to you because</p> <p>6 you can't just simply object.</p> <p>7 BY MR. JUBB:</p> <p>8 Q So Mr. Garabedian -- strike that.</p> <p>9 After April of 2018. A letter went out on</p> <p>10 April 11th, 2018. Would you agree with me that there</p> <p>11 is there's a letter to The Hill School from the same</p> <p>12 date?</p> <p>13 A There's a letter dated April 11, 2018.</p> <p>14 Q And it's asking for Mr. Poulos's records,</p> <p>15 correct?</p> <p>16 A Yes.</p> <p>17 Q Thank you.</p> <p>18 And I imagine I know the answer to this</p> <p>19 question, but I have to ask. Is there any way for you</p> <p>20 to tell us whether or not this letter went in the same</p> <p>21 envelope or if there were actually different two</p> <p>22 envelopes that went out to the school?</p> <p>23 A I don't know.</p> <p>24 Q Okay. As part of file maintenance do you</p> <p>25 have any pattern and practice of maintaining indexes,</p>	<p style="text-align: right;">Page 236</p> <p>1 interview to the New York Times?</p> <p>2 A No, I don't. Sorry.</p> <p>3 MR. POULOS: Am I allowed to read off of</p> <p>4 the actual article?</p> <p>5 MR. McCARRON: If it involves a</p> <p>6 question. Do you have a question?</p> <p>7 MR. POULOS: No, if I'm not allowed to</p> <p>8 read verbatim what was transcribed in the article</p> <p>9 then, no, I don't have a question. I just wanted to</p> <p>10 know if he remembered giving the interview about the</p> <p>11 Cozen firm which was representing themselves for the, The</p> <p>12 Hill School.</p> <p>13 MR. McCARRON: All right. Mr. Poulos, I</p> <p>14 don't mean to, to tell you you can't ask a question.</p> <p>15 All I'm saying to you is it's not a question just to</p> <p>16 read the statement, but if you need to read the</p> <p>17 statement or some portion of the article in order to --</p> <p>18 as part of a question, you can certainly do that.</p> <p>19 MR. POULOS: Well, no, my question was</p> <p>20 if he remembered actually giving the --</p> <p>21 MR. McCARRON: I understand.</p> <p>22 MR. POULOS: -- interview.</p> <p>23 MR. McCARRON: Okay.</p> <p>24 MR. POULOS: If he doesn't --</p> <p>25 MR. McCARRON: Very good.</p>
<p style="text-align: right;">Page 235</p> <p>1 such as discovery indexes or document indexes, anything</p> <p>2 like that?</p> <p>3 A In some cases, yes.</p> <p>4 Q Did you see anything like that for this case?</p> <p>5 A I don't recall.</p> <p>6 MR. JUBB: Those are all the questions</p> <p>7 that I have.</p> <p>8 MR. McCARRON: Mr. Poulos?</p> <p>9 MR. JUBB: Mr. Poulos, can you hear us?</p> <p>10 MR. POULOS: Yes, I can hear you.</p> <p>11 MR. JUBB: Okay. You're up.</p> <p>12 MR. McCARRON: Do you have any</p> <p>13 questions, sir?</p> <p>14 MR. POULOS: I just have a couple of</p> <p>15 questions regarding the Cozen firm.</p> <p>16 CROSS-EXAMINATION</p> <p>17 BY MR. POULOS:</p> <p>18 Q There's an article in the New York Times</p> <p>19 dated back to I believe 2017 with Mitchell, and I had</p> <p>20 asked Mitchell and I will repeat the question: Do you</p> <p>21 believe I should get counsel before I speak to --</p> <p>22 excuse me for a second while I flip the page, the</p> <p>23 attorneys Leslie Gomez and Gina Smith, and in light of</p> <p>24 that, I found this article where Mitchell gave an</p> <p>25 interview. Mitchell, do you remember giving that</p>	<p style="text-align: right;">Page 237</p> <p>1 MR. POULOS: -- then there's no point in</p> <p>2 me reading it out loud.</p> <p>3 MR. McCARRON: Gotcha. All right. So</p> <p>4 any other questions?</p> <p>5 MR. POULOS: Not at this time.</p> <p>6 MR. McCARRON: All right. Are we done?</p> <p>7 MR. JUBB: Yes.</p> <p>8 MR. McCARRON: Okay. We're going to go</p> <p>9 off the record. Thank you, Mr. Poulos.</p> <p>10 THE VIDEOGRAPHER: This concludes</p> <p>11 today's video deposition of Mitchell Garabedian. The</p> <p>12 time is 3:03 p.m. We're off the record.</p> <p>13 (Whereupon the deposition was</p> <p>14 concluded at 3:03 p.m.)</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

<p style="text-align: right;">Page 238</p> <p>1 CERTIFICATE</p> <p>2 Commonwealth of Massachusetts</p> <p>3 Suffolk, ss.</p> <p>4</p> <p>5 I, Kristen L. Kelly, Registered Professional</p> <p>6 Reporter, CSR and Notary Public in and for the</p> <p>7 Commonwealth of Massachusetts, do hereby certify that</p> <p>8 MITCHELL GARABEDIAN, the witness whose deposition is</p> <p>9 hereinbefore set forth, was duly sworn by me and that</p> <p>10 such deposition is a true record of the testimony given</p> <p>11 by the witness.</p> <p>12 I further certify that I am neither related to or</p> <p>13 employed by any of the parties in or counsel to this</p> <p>14 action, nor am I financially interested in the outcome</p> <p>15 of this action.</p> <p>16 In witness whereof, I have hereunto set my hand</p> <p>17 this 5th day of July, 2021.</p> <p>18</p> <p>19 </p> <p>20 _____</p> <p>21 CSR No. 115893</p> <p>22</p> <p>23 My Commission Expires:</p> <p>24 February 3, 2023</p> <p>25</p>	<p style="text-align: right;">Page 240</p> <p>1 Doe, John v. Garabedian, Mitchell Esq Et Al</p> <p>2 Mitchell Garabedian (#4638046)</p> <p>3 ERRATA SHEET</p> <p>4 PAGE_____ LINE_____ CHANGE_____</p> <p>5 _____</p> <p>6 REASON_____</p> <p>7 PAGE_____ LINE_____ CHANGE_____</p> <p>8 _____</p> <p>9 REASON_____</p> <p>10 PAGE_____ LINE_____ CHANGE_____</p> <p>11 _____</p> <p>12 REASON_____</p> <p>13 PAGE_____ LINE_____ CHANGE_____</p> <p>14 _____</p> <p>15 REASON_____</p> <p>16 PAGE_____ LINE_____ CHANGE_____</p> <p>17 _____</p> <p>18 REASON_____</p> <p>19 PAGE_____ LINE_____ CHANGE_____</p> <p>20 _____</p> <p>21 REASON_____</p> <p>22 _____</p> <p>23 _____</p> <p>24 Mitchell Garabedian Date</p> <p>25</p>
<p style="text-align: right;">Page 239</p> <p>1 Jeffrey B. McCarron, Esquire</p> <p>2 jmccarron@swartzcampbell.com</p> <p>3 July 6, 2021</p> <p>4 RE: Doe, John v. Garabedian, Mitchell Esq Et Al</p> <p>5 6/24/2021, Mitchell Garabedian (#4638046)</p> <p>6 The above-referenced transcript is available for</p> <p>7 review.</p> <p>8 Within the applicable timeframe, the witness should</p> <p>9 read the testimony to verify its accuracy. If there are</p> <p>10 any changes, the witness should note those with the</p> <p>11 reason, on the attached Errata Sheet.</p> <p>12 The witness should sign the Acknowledgment of</p> <p>13 Deponent and Errata and return to the deposing attorney.</p> <p>14 Copies should be sent to all counsel, and to Veritext at</p> <p>15 erratas-cs@veritext.com</p> <p>16</p> <p>17 Return completed errata within 30 days from</p> <p>18 receipt of transcript.</p> <p>19 If the witness fails to do so within the time</p> <p>20 allotted, the transcript may be used as if signed.</p> <p>21</p> <p>22 Yours,</p> <p>23 Veritext Legal Solutions</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 241</p> <p>1 Doe, John v. Garabedian, Mitchell Esq Et Al</p> <p>2 Mitchell Garabedian (#4638046)</p> <p>3 ACKNOWLEDGEMENT OF DEPONENT</p> <p>4 I, Mitchell Garabedian, do hereby declare that I</p> <p>5 have read the foregoing transcript, I have made any</p> <p>6 corrections, additions, or changes I deemed necessary as</p> <p>7 noted above to be appended hereto, and that the same is</p> <p>8 a true, correct and complete transcript of the testimony</p> <p>9 given by me.</p> <p>10 _____</p> <p>11 _____</p> <p>12 Mitchell Garabedian Date</p> <p>13 *If notary is required</p> <p>14 SUBSCRIBED AND SWORN TO BEFORE ME THIS</p> <p>15 _____ DAY OF _____, 20____.</p> <p>16</p> <p>17 _____</p> <p>18</p> <p>19 NOTARY PUBLIC</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>



## Exhibit "VVV"

STATE OF WISCONSIN  
DEPARTMENT OF JUSTICE

Request Date: 4/15/2019

Report Date: 4/15/2019

This criminal background check was performed by searching the following data submitted to the Crime Information Bureau

Name: **POULOS, KURTIS N**

Date of Birth: [REDACTED]

Alias Names:

## IMPORTANT EXPLANATION ABOUT HOW TO UNDERSTAND THIS RESPONSE

This response reports the results of a criminal history search conducted with the name, date of birth, and any other identifying data you provided. The identifying data you provided is printed above. If you submitted fingerprints with your search request see the statement below.

Read this entire explanation, the How to Read the Following Criminal History Report section and the Notice to Employers section. Read these sections carefully to understand how this response relates to the identifying data you provided.

Printed below these explanations is a Wisconsin criminal history record that has been identified as a possible match to the identifying data you provided.

A criminal history search based only on a name, date of birth, and other identifying data that is not unique to a particular person (like sex or race) may result in:

1. Identification of criminal history records for multiple persons as potential matches for the identifying data submitted, or
2. Identification of a criminal history record belonging to a person whose identifying information is similar in some way to the identifying data that was submitted to be searched, but is not the same person whose identifying data was submitted for searching.

The Crime Information Bureau (CIB) therefore cannot guarantee that the criminal history record below pertains to the person in whom you are interested.

You must carefully read the entire Wisconsin criminal history record below in order to determine whether the record pertains to the person in whom you are interested.

Do not just assume that the criminal history record below pertains to the person in whom you are interested.

Additional information about finger-based search submissions: Fingerprint-based background checks generally provide a more reliable result and are prone to fewer false matches due to the specific identifying features of fingerprints.

## HOW TO READ THE FOLLOWING CRIMINAL HISTORY REPORT

The criminal history reported below is linked by fingerprints to the name appearing directly after these explanatory sections, following the label IDENTIFICATION. That name is the name that was provided by the fingerprinted person the first time his or her fingerprints were submitted to CIB; it may or may not be the real name of the fingerprinted person. That name is called the Master Name in these explanatory sections.

It is not uncommon for criminal offenders to use alias or fraudulent names and false dates of birth, sometimes known as identity theft. Other names used by the person identified who is the Master Name are listed in the Alias Names/Fraudulent Data section of the criminal history report below.

If the name you submitted to be searched is DIFFERENT from the Master Name below, the Wisconsin criminal history record below may belong to someone other than the person whose name and other identifying data you submitted for searching. If an alias or fraudulent name used by the person who is the Master Name is similar to the name you submitted for searching, that does not mean that the person whose name you submitted for searching has a criminal history. It means that the person associated by fingerprints with the Wisconsin criminal history below has used a name similar to the name you submitted for searching.

If the name you submitted to be searched is THE SAME as the Master Name below, the Wisconsin criminal history record below may belong to someone other than the person whose name and other identifying data you submitted for searching. That is because the Master Name is the name attached to the initial fingerprint submission to CIB that is associated with the reported criminal history, may have been an alias name or a name similar to the name you submitted for searching.

To determine whether the Wisconsin criminal history below actually belongs to the person whose name and other identifying information you submitted for searching, compare the information reported below to the other information you have obtained about that person. Inconsistencies may indicate that the criminal history reported below does not belong to the person whose name and other identifying information you submitted for searching. You may need to ask for clarification from the person whose name and other identifying information you submitted for searching.

Before you make a final decision adverse to a person based on the following criminal history record, in addition to any other opportunity you offer the applicant to explain the following criminal history record, please notify the applicant of:

1. His or her right to challenge the accuracy and completeness of any information contained in a criminal history record, and
2. The process for submitting a challenge.

The person should submit his or her challenge to CIB on Form DJ-LE-247. Form DJ-LE-247 is available free of charge on the Department of Justice website at <http://www.doj.state.wi.us/dles/cib/background-check-criminal-history-information> or by calling (608) 266-7314. A challenge may include a request for comparison of the fingerprints of the person submitting the challenge to the fingerprints on file that are associated with the Wisconsin criminal history record below.

The Wisconsin criminal history report below may not show all arrests for the person whose fingerprints are associated with the reported criminal history. However, the criminal history report contains all information that has been provided to the state criminal history database that may be released in response to your request.

The results of this search are effective and current for the date of this search only. A new search request should be submitted at a later time if an updated response is needed.

NOTICE TO EMPLOYERS



It may be a violation of state law to discriminate against a job applicant because of an arrest or conviction record. Generally speaking, an employer may refuse to hire an applicant on the basis of a conviction record only if the circumstances of the offense for which the applicant was convicted substantially relate to the circumstances of the particular job. For more information, see Wisconsin Statute 111.335 and the Department of Workforce Development's publication, Arrest and Conviction Records Under the Law.

Before you make a final decision adverse to an applicant based on the following criminal history record, in addition to any other opportunity you offer the applicant to explain the following criminal history record, please notify the applicant of:

1. His or her right to challenge the accuracy and completeness of any information contained in a criminal history record, and
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RECORD LAST UPDATED: 11/19/2018

## IDENTIFICATION

### KURTIS NICHOLAS POULOS

Male/White

Born in USA; Citizen of USA

Height: 6'02" Weight: 215lbs;  
Eye Color: Brown; Hair Color: Brown  
2969 N FREDERICK

AVE MILWAUKEE, WI

STATE ID: WI861206

#### OFFENDER NOTICE:

ALIAS NAMES/FRAUDULENT DATA: Alias Names: KURT NICHOLS POULOS,  
KURT POULOS, KURTIS N POULOS,

#### PHOTO INFORMATION:

WI0410000 MILWAUKEE COUNTY SHERIFF  
WI013035Y WI CIB IDENTIFICATION SECTION  
06/30/2018 WI0410400 FOX POINT POLICE DEPARTMENT  
06/30/2018 WI0410000 MILWAUKEE COUNTY SHERIFF



## CRIMINAL HISTORY

### CYCLE 01

EARLIEST EVENT DATE: 10/09/1999

DATE OF OFFENSE: 10/09/1999

ARREST TRACKING NUMBER:

### ARREST DATA

SUBJECT NAME: KURTIS NICHOLAS POULOS

GARABEDIAN\_FILE0224

1742a

TYPE: ADULT ONLY

DATE: 10/09/1999

ARREST AGENCY: WI0415000 MILWAUKEE POLICE DEPARTMENT

## CHARGE

SEQUENCE NUMBER: 01

STATUTE NUMBER: 948.07(1) - Child Enticement-Sexual Contact

LITERAL: Child Enticement-Sexual Contact

NCIC CODE: 3699

COUNTS: 1

CLASSIFICATION:

CHARGE SEVERITY: FELONY

## PROSECUTION

CASE NUMBER:

PROSECUTOR: UNKNOWN

## CHARGE

SEQUENCE NUMBER: 01

STATUTE NUMBER: 948.07(1) - Child Enticement-Sexual Contact

LITERAL: Child Enticement-Sexual Contact

NCIC CODE: 3699

COUNTS: 1

CLASSIFICATION:

CHARGE SEVERITY: FELONY

## DISPOSITION

LITERAL: DISMISSED

DISPOSITION DATE: 10/20/1999

DISPOSITION: NO PROSECUTION

## CYCLE 02

EARLIEST EVENT DATE: 03/13/2004

DATE OF OFFENSE: 03/13/2004

ARREST TRACKING NUMBER: 41004745824139

## ARREST DATA

LOCAL IDENTIFICATION NUMBER: 00000338485

SUBJECT NAME: KURTIS NICHOLAS POULOS

TYPE: ADULT ONLY

DATE: 03/13/2004



ARREST AGENCY: WI0415000 MILWAUKEE POLICE DEPARTMENT

## CHARGE

SEQUENCE NUMBER: 01

STATUTE NUMBER: 813.12(8)(A) - KNOWINGLY VIOLATE A DOMESTIC ABUSE ORDER

LITERAL: KNOWINGLY VIOLATE A DOMESTIC ABUSE ORDER

NCIC CODE: 3899

COUNTS: 1

CLASSIFICATION:

CHARGE SEVERITY: MISDEMEANOR

## CHARGE

SEQUENCE NUMBER: 02

STATUTE NUMBER: 976.03(12) - EXTRADITION-CONFINEMENT IN JAIL

LITERAL: EXTRADITION-CONFINEMENT IN JAIL

NCIC CODE: 7399

COUNTS: 1

CLASSIFICATION:

CHARGE SEVERITY: FELONY

## COURT

SUBJECT NAME: KURTIS NICHOLAS POULOS

DATE: 07/03/2018

COURT: UNKNOWN - UNKNOWN

COMMENTS: CCAP DISPOSITION

## CHARGE

LOCAL IDENTIFICATION NUMBER: 41004745824139

SEQUENCE NUMBER: 01

STATUTE NUMBER: 813.12(8)(A) - KNOWINGLY VIOLATE A DOMESTIC ABUSE ORDER

LITERAL: KNOWINGLY VIOLATE A DOMESTIC ABUSE ORDER

NCIC CODE: 3899

COUNTS: 1

CLASSIFICATION:

CHARGE SEVERITY: MISDEMEANOR

## DISPOSITION

LITERAL: OTHER

DISPOSITION DATE: 07/03/2018

DISPOSITION: DISPOSITION NOT REPORTED

## CHARGE

LOCAL IDENTIFICATION NUMBER: 41004745824139

SEQUENCE NUMBER: 02

STATUTE NUMBER: 976.03(12) - EXTRADITION-CONFINEMENT IN JAIL

LITERAL: EXTRADITION-CONFINEMENT IN JAIL

NCIC CODE: 7399

COUNTS: 1

CLASSIFICATION:

CHARGE SEVERITY: FELONY

COMMENTS: FFJ WORCHESTER CO. MD AUTHORITIES

## DISPOSITION

LITERAL: OTHER

DISPOSITION DATE: 03/13/2004

DISPOSITION: HOLD FOR COURT

## CHARGE

LOCAL IDENTIFICATION NUMBER: 41004745824139

SEQUENCE NUMBER: 03

STATUTE NUMBER: 813.125(7) - VIOLATE/HARASSMENT RESTRAINING ORDER

LITERAL: VIOLATE/HARASSMENT RESTRAINING ORDER

NCIC CODE:

COUNTS: 1

CLASSIFICATION:

CHARGE SEVERITY: MISDEMEANOR

## DISPOSITION

LITERAL: CONVICTED

DISPOSITION DATE: 07/16/2004

DISPOSITION: CONVICTED

## SENTENCING

DATE: 07/16/2004

CASE NUMBER: 402004CM001746

COURT: UNKNOWN - UNKNOWN

CONVICTED OFFENSE:

CHARGE SEQUENCE NUMBER: 03

SENTENCE: PROBATION

COMMENTS:

## SENTENCING

DATE: 07/16/2004  
CASE NUMBER: 402004CM001746  
COURT: UNKNOWN - UNKNOWN  
CONVICTED OFFENSE:  
CHARGE SEQUENCE NUMBER: 03  
SENTENCE: MILWAUKEE COUNTY HOUSE OF CORRECTIONS  
TIME SERVED: 2 DAYS  
LENGTH: 60 DAYS  
COMMENTS: CONSECUTIVE TO ANY OTHER SENTENCE. STRAIGHT TIME.

### SENTENCING

DATE: 07/16/2004  
CASE NUMBER: 402004CM001746  
COURT: UNKNOWN - UNKNOWN  
CONVICTED OFFENSE:  
CHARGE SEQUENCE NUMBER: 03  
SENTENCE: PROBATION  
BEGIN DATE: JULY 16, 2004  
SENTENCE INDICATOR: PROBATION BY JUDGMENT  
LENGTH: 18 MONTHS  
COMMENTS:

### SENTENCING

DATE: 07/16/2004  
CASE NUMBER: 402004CM001746  
COURT: UNKNOWN - UNKNOWN  
CONVICTED OFFENSE:  
CHARGE SEQUENCE NUMBER: 03  
SENTENCE: MILWAUKEE COUNTY HOUSE OF CORRECTIONS  
TIME SERVED: 2 DAYS  
LENGTH: 30 DAYS  
COMMENTS: CONSECUTIVE TO ANY OTHER SENTENCE. HUBER PRIVILEGES FOR WORK.

### SENTENCING

DATE: 07/16/2004  
CASE NUMBER: 402004CM001746  
COURT: UNKNOWN - UNKNOWN  
CONVICTED OFFENSE:  
CHARGE SEQUENCE NUMBER: 03  
SENTENCE: FINE  
COMMENTS:



## SENTENCING

DATE: 07/16/2004

CASE NUMBER: 402004CM001746

COURT: UNKNOWN - UNKNOWN

CONVICTED OFFENSE:

CHARGE SEQUENCE NUMBER: 03

SENTENCE: UNKNOWN SENTENCE CODE

COMMENTS: -DEFENDANT IS TO HAVE NO CONTACT WITH THE VICTIM. -DEFENDANT IS TO SUCCESSFULLY COMPLETE ANGER MANAGEMENT PROGRAM.

## SENTENCING

DATE: 07/16/2004

CASE NUMBER: 402004CM001746

COURT: UNKNOWN - UNKNOWN

CONVICTED OFFENSE:

CHARGE SEQUENCE NUMBER: 03

SENTENCE: RESTITUTION

COMMENTS: IN AMOUNT OF \$2,696.67.

## CYCLE 03

EARLIEST EVENT DATE: 06/30/2018

DATE OF OFFENSE: 06/30/2018

ARREST TRACKING NUMBER: 180166126

## ARREST DATA

SUBJECT NAME: KURTIS NICHOLAS POULOS

TYPE: ADULT ONLY

DATE: 06/30/2018

CASE NUMBER: 338485

ARREST AGENCY: WI0410400 FOX POINT POLICE DEPARTMENT

## CHARGE

SEQUENCE NUMBER: 01

STATUTE NUMBER: 940.19(1) - BATTERY

STATUTE NUMBER: 973.055(1) - DOMESTIC ABUSE ASSESSMENTS

LITERAL: BATTERY

NCIC CODE: 1399

COUNTS: 1

CLASSIFICATION:

CHARGE SEVERITY: MISDEMEANOR

## CHARGE

SEQUENCE NUMBER: 02  
STATUTE NUMBER: 940.30 - False Imprisonment  
LITERAL: False Imprisonment  
NCIC CODE: 1099  
COUNTS: 1  
CLASSIFICATION:  
CHARGE SEVERITY: FELONY

## PROSECUTION

CASE NUMBER:  
PROSECUTOR: WI041013A

## CHARGE

LOCAL IDENTIFICATION NUMBER: 180166126  
SEQUENCE NUMBER: 01  
STATUTE NUMBER: 940.19(1) - BATTERY  
STATUTE NUMBER: 968.075(1)(A)1 - "DOMESTIC  
ABUSE"=INFLECTION/PHY. PAIN  
LITERAL: BATTERY  
NCIC CODE:  
COUNTS: 1  
CLASSIFICATION:  
CHARGE SEVERITY: MISDEMEANOR

## DISPOSITION

LITERAL: DISMISSED  
DISPOSITION DATE: 07/03/2018  
DISPOSITION: NO PROSECUTION

## CHARGE

LOCAL IDENTIFICATION NUMBER: 180166126  
SEQUENCE NUMBER: 02  
STATUTE NUMBER: 940.30 - False Imprisonment  
LITERAL: False Imprisonment  
NCIC CODE:  
COUNTS: 1  
CLASSIFICATION:  
CHARGE SEVERITY: FELONY

## DISPOSITION

LITERAL: DISMISSED  
DISPOSITION DATE: 07/03/2018  
DISPOSITION: NO PROSECUTION

**CYCLE 04**

EARLIEST EVENT DATE: 06/30/2018  
DATE OF OFFENSE: 06/30/2018  
ARREST TRACKING NUMBER: 41041806300013

**ARREST DATA**

LOCAL IDENTIFICATION NUMBER: A-0000216542  
SUBJECT NAME: KURTIS NICHOLAS POULOS  
TYPE: ADULT ONLY  
DATE: 06/30/2018  
CASE NUMBER: 18003618  
ARREST AGENCY: WI0410400 FOX POINT POLICE DEPARTMENT

**CHARGE**

SEQUENCE NUMBER: 01  
LITERAL: LOC ORD / DC / 670-1  
NCIC CODE: 5311  
COUNTS: 1  
CLASSIFICATION:  
CHARGE SEVERITY: NON-CRIMINAL

**CHARGE**

SEQUENCE NUMBER: 02  
LITERAL: LOC ORD / BATTERY / 670-14  
NCIC CODE: 1313  
COUNTS: 1  
CLASSIFICATION:  
CHARGE SEVERITY: NON-CRIMINAL

**CONTRIBUTING AGENCIES**

WI0410400-FOX POINT POLICE DEPARTMENT  
WI013035Y-WI CIB IDENTIFICATION SECTION  
WI0410000-MILWAUKEE COUNTY SHERIFF  
WI0415000-MILWAUKEE POLICE DEPARTMENT  
UNKNOWN-UNKNOWN  
WI041013A-MILWAUKEE COUNTY DISTRICT ATTY  
UNKNOWN-UNKNOWN



End of Rapsheet

## Exhibit "WWW"

MG, MLC, NG

5/10/19

Kurt Paulos

He filled out docs and mailed them today

MG w/ler him about the child enticement charge -

He never showed up to court for it, they said it was done

Allegation - he was on AOL and did something, supposedly

Nam hired a lawyer

They checked his computer and there was nothing - it wasn't him

Pulled over by unmarked car

Not charged twice, same thing

Domestic abuse order? Drinking, something with an ex

Lived down the street, couldn't avoid her

Order on him, isolated, not on her

Probation, halfway house 10 days - pled out

Extradition - Maryland, when living in Connecticut

Not prosecuted

One dismissed last year

Told of the was abused? Told her in 2015

Never told a girl before then

First told man at 31/32

Drinking, trying to figure out why

MG may have least call AG's office

Soul time? Overnight, waiting for trial, disorderly/intoxicated



LAW OFFICES  
OF  
MITCHELL GARABEDIAN

MITCHELL GARABEDIAN  
WILLIAM H. GORDON  
NATHAN A. GAUL  
LU XIA  
SALVATORE M. CIULLA  
DANIEL R. MAHONEY  
MIRRA L. CAMPBELL

100 STATE STREET, 6TH FLOOR  
BOSTON, MASSACHUSETTS 02109

(617) 523-6250  
FAX (617) 523-3687

AUTHORIZATION TO USE OR DISCLOSE PROTECTED HEALTH INFORMATION

Attention: Medical Records/Correspondence

RE: PATIENT: KURT PAULOS

DOB: [REDACTED]

SSN: [REDACTED]

Date of Treatment: 10/10/1978 to PRESENT

I hereby authorize COLUMBIA-ST. MARY'S HOSPITAL MILWAUKEE to disclose to my attorney, Mitchell Garabedian, at the above address, a certified copy of my complete medical record including the history obtained, clinical notes, x-rays, lab reports, findings, diagnosis, prognosis and course of treatment.

The above information is disclosed for the following purpose: Legal.

This authorization will remain in effect until the term of its expiration on 5/20/20 or I provide written notice of revocation to your facility. I understand that: I may revoke this authorization at any time by requesting such of the above referenced facility/physician in writing, unless action has already been taken in reliance upon it, or during a contestability period under applicable law. I understand that information used or disclosed pursuant to this authorization could be subject to redisclosure by the recipient and, if so, may not be subject to federal or state law protecting its confidentiality.

X

[Signature]  
Signature of patient

5/20/19  
Date

I specifically authorize disclosure of my highly confidential information relative to chemical dependency including drug and alcohol abuse, information relative to HIV/AIDS status, and information related to confidential communications with a psychotherapist, psychiatrist, psychologist, social worker, sexual assault counselor or other allied health professional.

X

[Signature]  
Signature of patient

5/20/19  
Date



LAW OFFICES  
OF  
MITCHELL GARABEDIAN

MITCHELL GARABEDIAN  
WILLIAM H. GORDON  
NATHAN A. GAUL  
LU XIA  
SALVATORE M. CIULLA  
DANIEL R. MAHONEY  
MIRRA L. CAMPBELL

100 STATE STREET, 6TH FLOOR  
BOSTON, MASSACHUSETTS 02108

(617) 523-6250  
FAX (617) 523-3667

AUTHORIZATION TO USE OR DISCLOSE PROTECTED HEALTH INFORMATION

Attention: Medical Records/Correspondence

RE: PATIENT: KURT PAULOS

DOB [REDACTED]

SSN [REDACTED]

Date of Treatment: 10/10/1978 to Present

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X [Signature]  
Signature of patient

5/19/19  
Date

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X [Signature]  
Signature of patient

5/19/19  
Date

Exhibit "ZZZ"

CHRISTOPHER HOPKINS  
JOHN DOE vs MITCHELL GARABEDIAN, ESQ.

September 02, 2021  
1-4

<div>Page 1</div> <div>1 UNITED STATES DISTRICT COURT FOR THE 2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA 3 ----- 4 JOHN DOE : CIVIL ACTION 5 : 6 v. : 7 : 8 MITCHELL GARABEDIAN, ESQ., : 9 et al. : NO. 2:19-cv-01539 10 : 11 ----- 12 - - - 13 September 2, 2021 14 - - - 15 Zoom deposition of CHRISTOPHER HOPKINS, 16 held at the law offices of Swartz Campbell, LLC, 17 One Liberty Place, 38th Floor, 1650 Market 18 Street, Philadelphia, Pennsylvania 19103, 19 beginning at 10:00 a.m. on the above date, 20 before Harvey Krauss, a Commissioner of Deeds 21 and approved by the Federal District Court of 22 Pennsylvania. 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000</div>	<div>Page 3</div> <div>1 - - - 2 I N D E X 3 - - - 4 5 Testimony of: CHRISTOPHER HOPKINS PAGE 6 7 By Ms. Dougherty 5/112 8 9 By Mr. Jubb 112 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000</div>
<div>Page 2</div> <div>1 APPEARANCES: 2 THE BEASLEY FIRM, LLC 3 BY: LANE JUBB, ESQUIRE 4 1125 Walnut Street 5 Philadelphia, Pennsylvania 19107 6 215-592-1000 7 lane.jubb@beasleyfirm.com 8 Representing the Plaintiff 9 Matthew Ralston 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 41</div>	

CHRISTOPHER HOPKINS  
JOHN DOE vs MITCHELL GARABEDIAN, ESQ.

September 02, 2021

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<p style="text-align: right;">Page 5</p> <p>1 (It is hereby stipulated and</p> <p>2 agreed by and between counsel that</p> <p>3 reading, signing, sealing, filing and</p> <p>4 certification are waived; and that all</p> <p>5 objections, except as to the form of</p> <p>6 questions, be reserved until the time</p> <p>7 of trial.)</p> <p>8 - - -</p> <p>9 CHRISTOPHER HOPKINS, after having</p> <p>10 been duly sworn, was examined and</p> <p>11 testified as follows:</p> <p>12 MS. DOUGHERTY: Mr. Jubb, are you</p> <p>13 appearing as counsel for the witness?</p> <p>14 MR. JUBB: I am not.</p> <p>15 - - -</p> <p>16 EXAMINATION</p> <p>17 - - -</p> <p>18 BY MS. DOUGHERTY:</p> <p>19 Q. Mr. Hopkins, my name is Candy</p> <p>20 Dougherty. I represent Mitchell Garabedian, who</p> <p>21 is a defendant in a lawsuit by Matthew Ralston.</p> <p>22 MR. JUBB: And, Candy, if we can</p> <p>23 introduce ourselves on the record.</p> <p>24 MS. DOUGHERTY: Well, we're not on</p>	<p style="text-align: right;">Page 7</p> <p>1 Poulos, who is a defendant in this</p> <p>2 matter, is not appearing today, despite</p> <p>3 his request to have these depositions</p> <p>4 moved to today.</p> <p>5 Please proceed.</p> <p>6 BY MS. DOUGHERTY:</p> <p>7 Q. So, Mr. Hopkins, you're located</p> <p>8 where?</p> <p>9 A. Chicopee, Massachusetts.</p> <p>10 Q. Is there anyone else in the room</p> <p>11 with you?</p> <p>12 A. No. Just my 14-year-old dog.</p> <p>13 Q. Do you understand why you're</p> <p>14 testifying here today?</p> <p>15 A. I believe so, yes.</p> <p>16 Q. What's your understanding of why</p> <p>17 you're testifying here today?</p> <p>18 A. Mr. Ralston is a plaintiff in a</p> <p>19 case, and I'm being deposed in regards to that</p> <p>20 case.</p> <p>21 Q. Have you spoken to Mr. Ralston</p> <p>22 about your testimony here today?</p> <p>23 A. No.</p> <p>24 Q. Have you talked to Mr. Ralston</p>
<p style="text-align: right;">Page 6</p> <p>1 a video. But, I mean --</p> <p>2 MR. JUBB: We have to introduce</p> <p>3 ourselves on the record of who's</p> <p>4 present and appearing for the</p> <p>5 witnesses. I don't think the court</p> <p>6 reporter did that. If counsel would</p> <p>7 introduce themselves and who they</p> <p>8 represent.</p> <p>9 MS. DOUGHERTY: Mr. Hopkins, where</p> <p>10 are you located? Are you in</p> <p>11 Pennsylvania?</p> <p>12 THE WITNESS: No, I'm in Chicopee,</p> <p>13 Massachusetts.</p> <p>14 MS. DOUGHERTY: Well, we're not on</p> <p>15 video. But, Mr. Court Reporter, do you</p> <p>16 need to read a statement and have the</p> <p>17 parties identify themselves?</p> <p>18 COURT REPORTER: No. If it's not</p> <p>19 a video I don't have to do that. It's</p> <p>20 up to the attorneys whether or not they</p> <p>21 want to introduce themselves.</p> <p>22 MR. JUBB: Note for the record</p> <p>23 that Lane Jubb of the Beasley firm is</p> <p>24 appearing for plaintiff, and that Mr.</p>	<p style="text-align: right;">Page 8</p> <p>1 about his lawsuit?</p> <p>2 A. Yes.</p> <p>3 Q. Did you speak to Ralston about his</p> <p>4 lawsuit?</p> <p>5 A. Today. And frequently over the</p> <p>6 years.</p> <p>7 Q. By this lawsuit I'm talking about</p> <p>8 the lawsuit that you're testifying about today.</p> <p>9 Do you understand that and can we agree?</p> <p>10 A. Yes.</p> <p>11 Q. What did you discuss with Mr.</p> <p>12 Ralston about his lawsuit when you spoke with</p> <p>13 him today?</p> <p>14 A. Simply that this was taking place</p> <p>15 and he thanked me for the time.</p> <p>16 Q. By this you mean the deposition</p> <p>17 was taking place?</p> <p>18 A. Correct.</p> <p>19 Q. You spoke on the telephone with</p> <p>20 Mr. Ralston this morning about his lawsuit?</p> <p>21 A. Yes.</p> <p>22 Q. What else did you discuss with Mr.</p> <p>23 Ralston when you spoke to him this morning about</p> <p>24 his lawsuit, other than him thanking you for</p>

CHRISTOPHER HOPKINS  
JOHN DOE vs MITCHELL GARABEDIAN, ESQ.

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<p style="text-align: right;">Page 9</p> <p>1 taking the time to appear for the deposition?</p> <p>2 A. Only the fact that I was aware</p> <p>3 that his wife and brother were deposed</p> <p>4 yesterday. Nothing more than acknowledgement of</p> <p>5 that.</p> <p>6 Q. How did you learn that Mr.</p> <p>7 Ralston's wife and brother were deposed</p> <p>8 yesterday?</p> <p>9 A. How?</p> <p>10 Q. Yes.</p> <p>11 A. Mr. Ralston informed me some weeks</p> <p>12 ago.</p> <p>13 Q. Just for the moment sticking with</p> <p>14 your discussion this morning with Mr. Ralston,</p> <p>15 did he provide any information about the content</p> <p>16 of the testimony about his wife or brother that</p> <p>17 occurred yesterday?</p> <p>18 A. No.</p> <p>19 Q. This morning when you spoke to Mr.</p> <p>20 Ralston about his lawsuit, did he discuss</p> <p>21 anything else, other than -- well, let me start</p> <p>22 again.</p> <p>23 What did you discuss with Mr.</p> <p>24 Ralston about the testimony by his wife and</p>	<p style="text-align: right;">Page 11</p> <p>1 A. No.</p> <p>2 Q. Prior to yesterday, when was the</p> <p>3 last time you spoke to Mr. Ralston about his</p> <p>4 lawsuit?</p> <p>5 A. Yesterday.</p> <p>6 Q. Did you speak to Mr. Ralston on</p> <p>7 the telephone the day before yesterday about his</p> <p>8 lawsuit?</p> <p>9 A. Yes.</p> <p>10 Q. What did you speak with Mr.</p> <p>11 Ralston regarding his lawsuit the day before</p> <p>12 yesterday?</p> <p>13 A. Simply his feelings and emotions</p> <p>14 surrounding the upcoming depositions.</p> <p>15 Q. What did Mr. Ralston express to</p> <p>16 you regarding his feelings and emotions about</p> <p>17 the upcoming depositions when you spoke to him</p> <p>18 the day before yesterday?</p> <p>19 A. Dismay that members of his family</p> <p>20 had been pulled into this lawsuit.</p> <p>21 Q. Did Mr. Ralston tell you that he</p> <p>22 identified the members of his family as</p> <p>23 witnesses in his lawsuit?</p> <p>24 A. No.</p>
<p style="text-align: right;">Page 10</p> <p>1 brother when you spoke to Mr. Ralston this</p> <p>2 morning?</p> <p>3 A. Simply that they took place.</p> <p>4 Q. Is there anything else that you</p> <p>5 discussed with Mr. Ralston this morning, other</p> <p>6 than him thanking you for taking the time to</p> <p>7 appear for a deposition and informing you that</p> <p>8 the deposition of his wife and brother occurred</p> <p>9 yesterday?</p> <p>10 A. No.</p> <p>11 Q. Prior to this morning, when was</p> <p>12 the last time you spoke to Mr. Ralston?</p> <p>13 A. Yesterday.</p> <p>14 Q. Did you speak to Mr. Ralston on</p> <p>15 the telephone yesterday?</p> <p>16 A. Yes.</p> <p>17 Q. What did you discuss with Mr.</p> <p>18 Ralston when you spoke with him on the telephone</p> <p>19 yesterday?</p> <p>20 A. That someone had stolen his</p> <p>21 catalytic converters from his car overnight.</p> <p>22 Q. When you spoke to Mr. Ralston</p> <p>23 yesterday on the telephone, did you discuss</p> <p>24 anything regarding his lawsuit?</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. Did Mr. Ralston tell you that he</p> <p>2 identified you as a witness in his lawsuit?</p> <p>3 A. I don't recall.</p> <p>4 Q. Are you aware that Mr. Ralston</p> <p>5 identified you as a witness in his lawsuit?</p> <p>6 A. My difficulty in answering is only</p> <p>7 because witness versus this deposition I'm not</p> <p>8 entirely sure of the difference, whether one</p> <p>9 means I'm automatically the other.</p> <p>10 Q. Are you aware that Mr. Ralston</p> <p>11 identified you as someone who has information</p> <p>12 pertaining to the falsity and defamatory impact</p> <p>13 of the statements at issue in this lawsuit as</p> <p>14 well as damages slash prior reputation?</p> <p>15 A. Certainly not in that language.</p> <p>16 Q. Are you aware that Mr. Ralston</p> <p>17 identified you to the defendants in his lawsuit</p> <p>18 as someone who has information regarding his</p> <p>19 claims?</p> <p>20 A. Yes.</p> <p>21 Q. How did you learn that</p> <p>22 information?</p> <p>23 A. Mr. Ralston communicated that to</p> <p>24 me by phone.</p>

CHRISTOPHER HOPKINS  
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<p style="text-align: right;">Page 13</p> <p>1 Q. When did Mr. Ralston communicate</p> <p>2 that to you by phone?</p> <p>3 A. Weeks ago, and it's not possible</p> <p>4 for me to be even close to specifics.</p> <p>5 Q. When you spoke to Mr. Ralston the</p> <p>6 day before yesterday regarding his lawsuit, did</p> <p>7 you discuss anything else other than his</p> <p>8 feelings and emotions regarding the deposition</p> <p>9 of his family members?</p> <p>10 A. We spoke about many other things.</p> <p>11 Q. About Mr. Ralston's lawsuit?</p> <p>12 A. No.</p> <p>13 Q. When you spoke to Mr. Ralston the</p> <p>14 day before yesterday, did you discuss anything</p> <p>15 about his lawsuit other than his feelings and</p> <p>16 emotions regarding the depositions of his family</p> <p>17 members?</p> <p>18 A. No.</p> <p>19 Q. Prior to the day before yesterday,</p> <p>20 when was the last time you spoke to Mr. Ralston</p> <p>21 regarding his lawsuit?</p> <p>22 A. Two days before yesterday.</p> <p>23 Q. You spoke to Mr. Ralston again on</p> <p>24 the telephone two days before yesterday</p>	<p style="text-align: right;">Page 15</p> <p>1 Q. When was the last time you had a</p> <p>2 text message with Mr. Ralston regarding the</p> <p>3 lawsuit?</p> <p>4 A. Yesterday, perhaps. I'm not</p> <p>5 positive.</p> <p>6 Q. Have you had text messages with</p> <p>7 Mr. Ralston regularly between the time when he</p> <p>8 commenced the lawsuit and yesterday?</p> <p>9 A. Yes.</p> <p>10 Q. Are you able to summarize,</p> <p>11 generally, the type of information that you and</p> <p>12 Mr. Ralston have communicated with each other</p> <p>13 over text message regarding Mr. Ralston's</p> <p>14 lawsuit?</p> <p>15 A. A majority have simply, directly</p> <p>16 or indirectly, involved what an extraordinarily</p> <p>17 difficult time this has been for him, and when</p> <p>18 we would have a chance to speak again.</p> <p>19 Q. Did you ever have e-mails with Mr.</p> <p>20 Ralston regarding his lawsuit?</p> <p>21 A. I don't recall.</p> <p>22 Q. Do you keep your e-mails so that</p> <p>23 you would be able to look at your e-mail to tell</p> <p>24 whether you had e-mails with Mr. Ralston</p>
<p style="text-align: right;">Page 14</p> <p>1 regarding his lawsuit?</p> <p>2 A. Yes. To be clear, every time I</p> <p>3 say I spoke with him, that would be by phone.</p> <p>4 Q. Have you ever had an e-mail</p> <p>5 communication or text message, anything in</p> <p>6 writing with Mr. Ralston regarding the lawsuit?</p> <p>7 A. Yes.</p> <p>8 Q. What type of written</p> <p>9 communication, e-mail, text message?</p> <p>10 A. Text.</p> <p>11 Q. How many text messages have you</p> <p>12 had with Mr. Ralston regarding his lawsuit?</p> <p>13 A. Many.</p> <p>14 Q. Do you still have your text</p> <p>15 messages with Mr. Ralston regarding the lawsuit?</p> <p>16 A. I'm not sure. I'm not sure how</p> <p>17 far back any of my text messages go.</p> <p>18 Q. When did you first have text</p> <p>19 messages with Mr. Ralston regarding his lawsuit?</p> <p>20 A. Presumably, when he initiated the</p> <p>21 lawsuit.</p> <p>22 Q. Do you know when Mr. Ralston</p> <p>23 initiated the lawsuit?</p> <p>24 A. I don't.</p>	<p style="text-align: right;">Page 16</p> <p>1 regarding his lawsuit?</p> <p>2 A. Yes. However, I have had at least</p> <p>3 three e-mail addresses, and they were my only</p> <p>4 e-mail addresses over the last ten years.</p> <p>5 Q. Do you still have access to the</p> <p>6 three e-mail addresses you have in mind?</p> <p>7 A. Only one, my present. My current</p> <p>8 e-mail address.</p> <p>9 Q. When did you start using your</p> <p>10 current e-mail address?</p> <p>11 A. July 1st, 2020.</p> <p>12 Q. What e-mail address is that?</p> <p>13 A. It is champlainrover@gmail.com.</p> <p>14 Q. What e-mail address did you use</p> <p>15 before July 1st, 2020?</p> <p>16 A. I believe it was</p> <p>17 chopkins@sca-school.org.</p> <p>18 Q. When did you start using the</p> <p>19 chopkins@sca-school.org e-mail address?</p> <p>20 A. 7-1-19.</p> <p>21 Q. What e-mail address did you use</p> <p>22 before July 1st, 2019?</p> <p>23 A. chopkins@mci-school.org. I need</p> <p>24 to correct the second, the sca one. I just</p>



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17-20

<p style="text-align: right;">Page 17</p> <p>1 realized I had it wrong. So, I'll need to go 2 back and correct that. 3 Q. Okay. Why don't you do that now. 4 A. Okay. I believe it was 5 chopkins@springfieldca-school.org, but I'm not 6 sure. 7 Q. When did you start using this 8 chopkins@mci-school.org e-mail address? 9 A. Seven -- oh, wait a minute. Which 10 one? I'm sorry. 11 Q. The mci-school.org, the one prior 12 to the springfieldca-school.org. 13 A. 7-1-97. 14 Q. Do you still have access to your 15 e-mail -- 16 A. I'm sorry. Starting seven -- 17 excuse me. The mci one I would have started 18 July 1st, 2008. 19 Q. Are you looking at something on 20 your screen as for reference? 21 A. Yes. 22 Q. What are you looking at? 23 A. All I wrote down was the years 24 that I overlapped at the Hill School with Mr.</p>	<p style="text-align: right;">Page 19</p> <p>1 looking at? 2 A. No. 3 Q. Just going forward, if you feel 4 the need that you need to look at something on 5 your computer or a piece of paper on your desk 6 or something like that, can you just let me 7 know? 8 Do you still have access to your 9 chopkins@mci-school.org e-mail address? 10 A. No. 11 Q. Do you still have access to the 12 chopkins@springfieldca-school.org e-mail 13 address? I realize you're not one hundred 14 percent on the e-mail address, but I just want 15 to know if you have access to that e-mail 16 address no matter what it was? 17 A. No. 18 Q. So, you would have no way to 19 determine whether you had e-mails with Mr. 20 Ralston regarding his lawsuit prior to July 1, 21 2020; is that right? 22 A. Correct. 23 Q. Do you still have access to your 24 e-mail at the champlainrover@gmail.com e-mail</p>
<p style="text-align: right;">Page 18</p> <p>1 Ralston as a colleague. 2 Q. Okay. So you -- 3 A. Each of these e-mail addresses are 4 attached to my employment at schools, and the 5 contracts begin on 7-1 and end 6-30. 6 Q. All right. Do you have notes that 7 you're looking at? 8 A. Just that. 9 Q. I'm sorry. I don't understand. 10 Do you have handwritten notes that you wrote 11 your years of employment? 12 A. Yes. I wrote Hill School, 1997 to 13 2008. 14 Q. Just for clarification. Are these 15 actual notes you wrote in handwriting or did you 16 type it on a computer? 17 A. Handwritten. 18 Q. Okay. So, what else did you write 19 on your notes that you're looking at? 20 A. That's it. 21 Q. Do you have any other notes or 22 documents -- 23 A. No. 24 Q. -- on your computer that you're</p>	<p style="text-align: right;">Page 20</p> <p>1 address? 2 A. Yes. 3 Q. Any other type of written 4 communications with Mr. Ralston regarding the 5 lawsuit, other than text message and e-mail? 6 A. No. 7 Q. Has Mr. Ralston provided you with 8 any materials from his lawsuit, like the 9 complaint or anything like that? 10 A. No. 11 Q. What did you discuss with Mr. 12 Ralston when you spoke to him on the telephone 13 two days before yesterday regarding his lawsuit? 14 A. I don't recall specifically. 15 Q. When did you first have telephone 16 contact with Mr. Ralston regarding his lawsuit? 17 A. I don't recall. 18 Q. Have you had regular telephone 19 contact with Mr. Ralston regarding his lawsuit? 20 A. Yes. 21 Q. When did you start having regular 22 telephone contact with Mr. Ralston regarding his 23 lawsuit? 24 A. I can only presume, as I said</p>

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21-24

<p style="text-align: right;">Page 21</p> <p>1 before, that it was when he filed the lawsuit.</p> <p>2 Q. So, you've had regular telephone</p> <p>3 contact with Mr. Ralston during this year 2021,</p> <p>4 regarding his lawsuit; is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. And, you had regular telephone</p> <p>7 contact with Mr. Ralston regarding his lawsuit</p> <p>8 during 2020; is that correct?</p> <p>9 A. Yes.</p> <p>10 Q. You had regular contact with Mr.</p> <p>11 Ralston regarding his lawsuit, at least for some</p> <p>12 portion of 2019; is that correct?</p> <p>13 A. If you say for part of, because</p> <p>14 that is the year he filed it, then, yes.</p> <p>15 Q. I realize you've given me some</p> <p>16 information regarding your, at least, telephone</p> <p>17 communications with Mr. Ralston, but could you,</p> <p>18 otherwise, just give me a general summary of the</p> <p>19 type of information that you and Mr. Ralston</p> <p>20 have communicated with each other over the</p> <p>21 telephone regarding his lawsuit?</p> <p>22 A. It has consisted entirely of my</p> <p>23 trying to be as emotionally supportive as I can.</p> <p>24 Q. Emotionally supportive of Mr.</p>	<p style="text-align: right;">Page 23</p> <p>1 MR. JUBB: I would object to the</p> <p>2 form.</p> <p>3 Q. So, your point is that your</p> <p>4 communications just haven't been specifically</p> <p>5 about the lawsuit. They've also included</p> <p>6 communications about the accusations against</p> <p>7 him, or at least the impact of the accusations</p> <p>8 against him; is that right?</p> <p>9 A. Yes.</p> <p>10 Q. What's your understanding of Mr.</p> <p>11 Ralston's lawsuit?</p> <p>12 A. That he is suing an attorney and</p> <p>13 an accuser over defamatory and grossly</p> <p>14 inaccurate and unfounded claims of sexual abuse</p> <p>15 by a former student, I believe, over 25 years</p> <p>16 ago.</p> <p>17 Q. And, where did you get that</p> <p>18 understanding of Mr. Ralston's lawsuit? Is that</p> <p>19 something he told you, someone else provided you</p> <p>20 or told you?</p> <p>21 A. What understanding?</p> <p>22 Q. That Mr. Ralston is suing an</p> <p>23 attorney and an accuser over defamatory and</p> <p>24 grossly inaccurate and unfounded claims of</p>
<p style="text-align: right;">Page 22</p> <p>1 Ralston in his pursuit of his lawsuit?</p> <p>2 A. Amongst other things, yes.</p> <p>3 Q. Well, what are the other things?</p> <p>4 A. Can you ask more specific</p> <p>5 questions, please?</p> <p>6 Q. Well, you said that you are being</p> <p>7 emotionally supportive as it relates to his</p> <p>8 pursuit of a lawsuit, amongst other things. I</p> <p>9 just want to know what you had in mind when you</p> <p>10 said amongst other things. If I misheard or</p> <p>11 misunderstood it, please just correct me, but</p> <p>12 that's what I'm asking about.</p> <p>13 A. The question I find</p> <p>14 oversimplified, because the discussions were</p> <p>15 about the lawsuit, but they were about what the</p> <p>16 original accusations have done to his name,</p> <p>17 reputation and emotions. Accusations toward</p> <p>18 him, not his lawsuit, to be clear.</p> <p>19 Q. So, is it a fair characterization</p> <p>20 to say that, perhaps, the lawsuit was the reason</p> <p>21 for what prompted the communication, but the</p> <p>22 communications also discussed the impact of the</p> <p>23 accusations on him, is that where you're getting</p> <p>24 at?</p>	<p style="text-align: right;">Page 24</p> <p>1 sexual abuse by a former student over 25 years</p> <p>2 ago. That's your understanding, right?</p> <p>3 A. Yes.</p> <p>4 Q. I mean, I wrote it down pretty</p> <p>5 much verbatim I think, right? So, I want to</p> <p>6 know where you got that understanding.</p> <p>7 A. Mr. Ralston told me.</p> <p>8 Q. Other than Mr. Ralston, have you</p> <p>9 spoken to anyone regarding Mr. Ralston's</p> <p>10 lawsuit? I mean, obviously, other than today</p> <p>11 during your testimony, because we're talking</p> <p>12 about it. But, outside of today and during your</p> <p>13 testimony right now after you've been sworn in,</p> <p>14 have you spoken to anyone else regarding Mr.</p> <p>15 Ralston's lawsuit?</p> <p>16 A. Yes.</p> <p>17 Q. Who else have you spoken to</p> <p>18 regarding Mr. Ralston's lawsuit?</p> <p>19 A. My parents and one of my brothers,</p> <p>20 and a few friends and former colleagues. Aside</p> <p>21 from a brief conversation with Mr. Jubb</p> <p>22 yesterday, no.</p> <p>23 Q. What did you discuss with Mr. Jubb</p> <p>24 yesterday?</p>

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<p style="text-align: right;">Page 25</p> <p>1 A. The procedural nature of this</p> <p>2 exercise today.</p> <p>3 Q. What did you learn regarding the</p> <p>4 procedural nature of the exercise today from Mr.</p> <p>5 Jubb when you spoke to him yesterday?</p> <p>6 A. I wanted to know how many people I</p> <p>7 would be meeting with, and who they would be,</p> <p>8 and basically what a deposition is. I was</p> <p>9 confident that I knew the answer and did not</p> <p>10 learn anything that I wasn't aware of. But,</p> <p>11 that was the entirety of the conversation.</p> <p>12 Q. Did you speak with Mr. Jubb</p> <p>13 regarding the substance of Mr. Ralston's claims</p> <p>14 in the action or anything --</p> <p>15 A. No.</p> <p>16 Q. -- other than the procedural</p> <p>17 nature of the deposition?</p> <p>18 A. No.</p> <p>19 Q. Did you have a telephone</p> <p>20 communication with Mr. Jubb yesterday?</p> <p>21 A. Yes.</p> <p>22 Q. How long was your telephone</p> <p>23 communication with Mr. Jubb?</p> <p>24 A. Five to ten minutes at most. And</p>	<p style="text-align: right;">Page 27</p> <p>1 Q. How long was that telephone</p> <p>2 communication with Mr. Jubb?</p> <p>3 A. Once again, five minutes.</p> <p>4 Q. What else did you discuss with Mr.</p> <p>5 Jubb, other than learning that you can speak to</p> <p>6 him again at a later time before your</p> <p>7 deposition?</p> <p>8 A. That was it. That was all.</p> <p>9 Q. Any other time you've spoken to or</p> <p>10 communicated, even in written format, with Mr.</p> <p>11 Jubb or someone from the Beasley firm regarding</p> <p>12 Mr. Ralston and Mr. Ralston's lawsuit?</p> <p>13 A. Not that I recall. I have not</p> <p>14 spoken to anybody else from the Beasley firm.</p> <p>15 Q. So, Mr. Ralston, your parents, one</p> <p>16 of your brothers, a few friends and former</p> <p>17 colleagues and the few communications with Mr.</p> <p>18 Jubb. Is that the full list of people that</p> <p>19 you've spoken to regarding Mr. Ralston's</p> <p>20 lawsuit?</p> <p>21 A. Yes.</p> <p>22 Q. Did you tell your parents about</p> <p>23 Mr. Ralston's lawsuit?</p> <p>24 A. Yes.</p>
<p style="text-align: right;">Page 26</p> <p>1 I actually spoke to him twice, because once we</p> <p>2 hung up I realized I had not -- the rescheduling</p> <p>3 time had not -- I had not found out for sure</p> <p>4 whether it was at 10:00 today. So, I called him</p> <p>5 back to say, "Is it on at 10 tomorrow?" And he</p> <p>6 said, "Yes." And that was it.</p> <p>7 Q. I apologize for that. We</p> <p>8 scheduled it to accommodate someone who didn't</p> <p>9 come today. So, sorry to have to change your</p> <p>10 schedule.</p> <p>11 Have you had any other</p> <p>12 communications with Mr. Jubb or anyone else with</p> <p>13 Mr. Jubb's office or the Beasley firm regarding</p> <p>14 Mr. Ralston or Mr. Ralston's lawsuit, like ever?</p> <p>15 A. Mr. Jubb and I had a conversation,</p> <p>16 I believe, only one several weeks ago. Maybe</p> <p>17 not several weeks ago, but when I found out I</p> <p>18 was going to be deposed, we spoke briefly and</p> <p>19 the content of that was, we can speak again</p> <p>20 before your deposition if you'd like to get some</p> <p>21 details about what a deposition involves.</p> <p>22 Q. That was the telephone</p> <p>23 communication you had with Mr. Jubb?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. Why did you tell your parents</p> <p>2 about Mr. Ralston's lawsuit?</p> <p>3 A. Because they're aware of my</p> <p>4 friendship with him. They have met him once</p> <p>5 before a very long time ago, and I wanted them</p> <p>6 to be aware what he was going through, and that</p> <p>7 it was upsetting to me as well.</p> <p>8 Q. Did your parents already know, or</p> <p>9 were you the source of information?</p> <p>10 A. I was the source of information.</p> <p>11 Q. Did you communicate with your</p> <p>12 parents regarding Mr. Ralston's lawsuit or the</p> <p>13 accusations, both or something else?</p> <p>14 A. The first conversation would have</p> <p>15 been about the accusations.</p> <p>16 Q. So, you told your parents about</p> <p>17 the accusations, and then you told your parents</p> <p>18 about the lawsuit; is that right?</p> <p>19 A. Correct.</p> <p>20 Q. Do your parents know Mr. Ralston?</p> <p>21 A. They've, as I said, met him once,</p> <p>22 I believe.</p> <p>23 Q. Did your parents have a reaction</p> <p>24 to the information that you communicated to them</p>

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<p style="text-align: right;">Page 29</p> <p>1 about, let's just start with the accusations</p> <p>2 against Mr. Ralston?</p> <p>3 A. Of course, yes.</p> <p>4 Q. Did your parents believe the</p> <p>5 accusations that you relayed to them?</p> <p>6 A. No.</p> <p>7 Q. You identified one of your</p> <p>8 brothers. Do you want to tell me that brother's</p> <p>9 name so I can use that in my questions?</p> <p>10 A. Yes. Matthew Hopkins.</p> <p>11 Q. Did you tell Matthew Hopkins</p> <p>12 regarding the accusations against Mr. Ralston?</p> <p>13 A. No.</p> <p>14 Q. Did you tell Matthew Hopkins</p> <p>15 regarding the lawsuit by Mr. Ralston?</p> <p>16 A. When I finally did talk with him</p> <p>17 it was about the lawsuit and the reason for it.</p> <p>18 Q. Does Matthew Hopkins know Mr.</p> <p>19 Ralston?</p> <p>20 A. No.</p> <p>21 Q. Why did you discuss with your</p> <p>22 brother, Matthew Hopkins, the lawsuit by Mr.</p> <p>23 Ralston?</p> <p>24 A. Because my brother and I are very</p>	<p style="text-align: right;">Page 31</p> <p>1 Q. Did you tell your friends about</p> <p>2 the accusations or the lawsuit by Mr. Ralston</p> <p>3 for the same reason that you told your brother</p> <p>4 to be supportive of you?</p> <p>5 A. No.</p> <p>6 Q. Why did you tell your friends</p> <p>7 about the accusations and/or the lawsuit by Mr.</p> <p>8 Ralston?</p> <p>9 A. The topic would come up in</p> <p>10 discussions about injustice and, for instance,</p> <p>11 dishonesty within the government. Some of the</p> <p>12 appalling things that are happening in the</p> <p>13 world.</p> <p>14 Q. So, the context in which you</p> <p>15 discussed the accusations against Mr. Ralston</p> <p>16 and Mr. Ralston's lawsuit with the friends was</p> <p>17 to express that the accusations were false; is</p> <p>18 that right?</p> <p>19 A. Partly.</p> <p>20 Q. What was the other part of it,</p> <p>21 that that was an injustice?</p> <p>22 A. Yes.</p> <p>23 Q. So, it's not the case that your</p> <p>24 discussions with your friends related to</p>
<p style="text-align: right;">Page 30</p> <p>1 close and supportive of one another.</p> <p>2 Q. Did your brother already know</p> <p>3 about the accusations or the lawsuit? I'm just</p> <p>4 trying to --</p> <p>5 A. No.</p> <p>6 Q. So, you told your brother about</p> <p>7 the lawsuit by Mr. Ralston to be supportive of</p> <p>8 you, like in your testimony of supporting Mr.</p> <p>9 Ralston?</p> <p>10 A. Yes. Supportive of me.</p> <p>11 Q. And, you may have already answered</p> <p>12 this, but your brother Matthew Hopkins, he</p> <p>13 doesn't know Mr. Ralston; is that right?</p> <p>14 A. Correct.</p> <p>15 Q. You said a few friends and former</p> <p>16 colleagues. So, let's start with the friends.</p> <p>17 Did you tell your friends about the accusations</p> <p>18 against Mr. Ralston or just the lawsuit or a</p> <p>19 combination?</p> <p>20 A. A combination.</p> <p>21 Q. Do any of the friends that you</p> <p>22 told about the accusations or the lawsuit by Mr.</p> <p>23 Ralston know Mr. Ralston?</p> <p>24 A. No.</p>	<p style="text-align: right;">Page 32</p> <p>1 somebody believing that Mr. Ralston had</p> <p>2 committed the acts about which he was accused.</p> <p>3 It was dismay or some concern that the</p> <p>4 accusations were untrue, and that was an</p> <p>5 injustice; is that right?</p> <p>6 A. Discussions about how individuals</p> <p>7 and groups of people can face persecution and</p> <p>8 trials, but in that case I'm using the word not</p> <p>9 in a legal sense, for reasons having nothing to</p> <p>10 do with their own actions.</p> <p>11 Q. The discussions that you had with</p> <p>12 your brother Matthew Hopkins regarding the</p> <p>13 lawsuit in support of you, the context of that</p> <p>14 was that the accusations were not true against</p> <p>15 Mr. Ralston; is that right?</p> <p>16 A. No. It was simply telling him</p> <p>17 that it was happening.</p> <p>18 Q. Did you tell your brother that the</p> <p>19 accusations were true?</p> <p>20 A. I didn't discuss that subject. I</p> <p>21 simply told him what was going on, and that's</p> <p>22 life.</p> <p>23 Q. Do you believe that --</p> <p>24 A. Mr. Ralston's life.</p>

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<p style="text-align: right;">Page 33</p> <p>1 Q. Thank you for clarifying this. Do</p> <p>2 you believe the accusations against Mr. Ralston,</p> <p>3 that were made against Mr. Ralston?</p> <p>4 A. No.</p> <p>5 Q. So, you didn't tell your brother</p> <p>6 that you believed the accusations against Mr.</p> <p>7 Ralston; is that correct?</p> <p>8 A. No.</p> <p>9 Q. You mentioned that you spoke to</p> <p>10 former colleagues. Did you speak to your former</p> <p>11 colleagues regarding the accusations, the</p> <p>12 lawsuit by Mr. Ralston or a combination?</p> <p>13 A. A combination.</p> <p>14 Q. Do any of the former colleagues</p> <p>15 that you spoke with know Mr. Ralston?</p> <p>16 A. No.</p> <p>17 Q. Why did you speak with your former</p> <p>18 colleagues regarding the accusations and a</p> <p>19 lawsuit by Mr. Ralston?</p> <p>20 A. Many of the colleagues are in</p> <p>21 education, and for the same reason I spoke to --</p> <p>22 it was a discussion about, as I said earlier,</p> <p>23 how that individual or groups of people can find</p> <p>24 themselves in some sort of peril that is</p>	<p style="text-align: right;">Page 35</p> <p>1 A. He said that a letter had arrived</p> <p>2 at the Hill School outlining numerous</p> <p>3 allegations involving a former student.</p> <p>4 Q. Can you please tell me your</p> <p>5 relationship with Mr. Ralston.</p> <p>6 A. He and I were colleagues at the</p> <p>7 Hill School. I'm going back to my notes again.</p> <p>8 From 1997 to 2008.</p> <p>9 Q. Well, those notes look like they</p> <p>10 have a little more than dates on them.</p> <p>11 A. Pertaining to this discussion, no.</p> <p>12 It's just the Hill School, '97 to 2008.</p> <p>13 Q. Okay. Would you mind just holding</p> <p>14 the notes up to the screen.</p> <p>15 A. Okay.</p> <p>16 Q. In addition to the penguin, right?</p> <p>17 A. Yeah. But my name is not Sidney</p> <p>18 Crosby, it's Bobby Orr. Just a joke.</p> <p>19 Q. Okay. Thank you for pointing it</p> <p>20 out that you're referencing your notes to</p> <p>21 remember the date; is that right?</p> <p>22 A. There's a reason I majored in</p> <p>23 English.</p> <p>24 Q. I'm the same way. So, you were a</p>
<p style="text-align: right;">Page 34</p> <p>1 unwarranted and not the result of any actions or</p> <p>2 inactions on their part.</p> <p>3 Q. So, the content of your</p> <p>4 communications or the purpose of your</p> <p>5 communications with your former colleagues about</p> <p>6 the accusations or the lawsuit by Mr. Ralston is</p> <p>7 similar to the content and purpose of your</p> <p>8 communication with your friends; is that right?</p> <p>9 A. Yes.</p> <p>10 Q. So, the context of the</p> <p>11 communications you had with your former</p> <p>12 colleagues was the accusations against Mr.</p> <p>13 Ralston were not true; is that correct?</p> <p>14 A. Not explicitly, but implicitly.</p> <p>15 Q. How did you learn about the</p> <p>16 accusations against Mr. Ralston?</p> <p>17 A. He informed me at some point</p> <p>18 shortly after they were made.</p> <p>19 Q. How did Mr. Ralston inform you of</p> <p>20 the accusations against him?</p> <p>21 A. By phone.</p> <p>22 Q. What did Mr. Ralston tell you when</p> <p>23 he communicated with you by phone about the</p> <p>24 accusations that were made against him?</p>	<p style="text-align: right;">Page 36</p> <p>1 colleague with Mr. Ralston from 1997, did you</p> <p>2 say?</p> <p>3 A. To 2008.</p> <p>4 Q. So, the first time you met Mr.</p> <p>5 Ralston was in 1997?</p> <p>6 A. Yes.</p> <p>7 Q. And, what was your position at the</p> <p>8 Hill School in 1997, when you first met Mr.</p> <p>9 Ralston?</p> <p>10 A. Dean of Students.</p> <p>11 Q. Did you hold any other position,</p> <p>12 other than Dean of Students at the Hill School?</p> <p>13 A. Boys JV hockey coach, and boys JV</p> <p>14 lacrosse coach.</p> <p>15 Q. Did you have any supervisory</p> <p>16 authority or anything like that over Mr.</p> <p>17 Ralston's work when you were colleagues at the</p> <p>18 Hill School?</p> <p>19 A. For many years, no. For some</p> <p>20 years, yes.</p> <p>21 Q. And what years did you have</p> <p>22 supervisory authority over Mr. Ralston's work</p> <p>23 when you were at the Hill School?</p> <p>24 A. When he was not a senior</p>



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<p style="text-align: right;">Page 37</p> <p>1 administrator.</p> <p>2 Q. Was that early 1997, later in the</p> <p>3 range to 2008, can you place it a little bit</p> <p>4 more, because I have no idea when Mr. Ralston</p> <p>5 was not a senior administrator?</p> <p>6 A. Not accurately. When I arrived he</p> <p>7 was director of studies. He happily went back</p> <p>8 to being a full time teacher-coach dorm parent.</p> <p>9 But, then because of the tremendous respect and</p> <p>10 trust that, not only students but adults had, he</p> <p>11 was named Dean of Faculty one, two or three</p> <p>12 years before I moved on to my next position. I</p> <p>13 don't recall how many years.</p> <p>14 Q. Okay. So, let me just make sure</p> <p>15 if I understand this correctly. So, when you</p> <p>16 started at the Hill School in 1997, Mr. Ralston</p> <p>17 was the director of studies and at some time he</p> <p>18 became a full time teacher, and then at some</p> <p>19 time, one, two or three years before you left</p> <p>20 the Hill School in 2008, Mr. Ralston became Dean</p> <p>21 of Faculty, at least as you recall it; is that</p> <p>22 right?</p> <p>23 A. That is as I recall it.</p> <p>24 Q. And so, the time when Mr. Ralston</p>	<p style="text-align: right;">Page 39</p> <p>1 Q. Did you ever have occasion to</p> <p>2 observe Mr. Ralston interacting with students</p> <p>3 while you were at the Hill School?</p> <p>4 A. Yes.</p> <p>5 Q. How would you characterize Mr.</p> <p>6 Ralston's interactions with students that you</p> <p>7 observed when you were at the Hill School?</p> <p>8 A. Caring, demanding, supportive,</p> <p>9 empathetic, skilled at teaching and mentoring</p> <p>10 students.</p> <p>11 Q. Did you ever receive any</p> <p>12 complaints from any students about Mr. Ralston</p> <p>13 during your time at the Hill School?</p> <p>14 A. No.</p> <p>15 Q. Did you ever receive any</p> <p>16 complaints from anyone, if not a student,</p> <p>17 regarding Mr. Ralston during your time at the</p> <p>18 Hill School?</p> <p>19 A. My hesitation is not because I am</p> <p>20 in a tight knit community like the Hill, it's</p> <p>21 very unusual for anyone, including myself not to</p> <p>22 irritate others at time. So, while I can't</p> <p>23 recall anything specific, I am sure that I heard</p> <p>24 a student walking by muttering that he or she</p>
<p style="text-align: right;">Page 38</p> <p>1 was a full time teacher, that's when you had</p> <p>2 supervisory authority over Mr. Ralston's work;</p> <p>3 is that right?</p> <p>4 A. It was actually, hypothetically,</p> <p>5 during his time as a dorm parent, and I'm now</p> <p>6 realizing that he was a dorm parent up until one</p> <p>7 or two years before I departed. So,</p> <p>8 specifically as a dorm parent, hypothetically, I</p> <p>9 oversaw the pastoral side of the school and,</p> <p>10 therefore, in that one specific area, I had</p> <p>11 supervisory responsibilities over him.</p> <p>12 Q. Is there any other capacity,</p> <p>13 other than Mr. Ralston's role as a dorm parent,</p> <p>14 that you had supervisory capacity over Mr.</p> <p>15 Ralston's work while you were at the Hill</p> <p>16 School?</p> <p>17 A. He was my assistant of JV boys</p> <p>18 lacrosse coach for seven years, I believe.</p> <p>19 Q. All right. Any other capacities</p> <p>20 in which you had supervisory authority over the</p> <p>21 work of Mr. Ralston, other than Mr. Ralston's</p> <p>22 work as assistant JV lacrosse coach as a dorm</p> <p>23 parent?</p> <p>24 A. No.</p>	<p style="text-align: right;">Page 40</p> <p>1 received a low grade on a math quiz. That's the</p> <p>2 best answer I can give. There's nothing</p> <p>3 concrete. It's specific.</p> <p>4 Q. Okay. So, you didn't receive any</p> <p>5 complaints from students or otherwise, a faculty</p> <p>6 member --</p> <p>7 A. No.</p> <p>8 Q. -- or a staff member, regarding</p> <p>9 Mr. Ralston's conduct as a teacher or directed</p> <p>10 to a student; is that right?</p> <p>11 A. No, no, absolutely not.</p> <p>12 Q. But, I think you're trying to give</p> <p>13 a precise answer, making the point that at times</p> <p>14 a student may have grumbled about Mr. Ralston</p> <p>15 but not in the sense that it required</p> <p>16 disciplinary or some type of employment review;</p> <p>17 is that right?</p> <p>18 A. All in the natural flow of things</p> <p>19 in a school.</p> <p>20 Q. And it seems like you maintained a</p> <p>21 relationship with Mr. Ralston after you left the</p> <p>22 Hill School; is that right?</p> <p>23 A. Correct.</p> <p>24 Q. Did you otherwise work, or were</p>



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<p style="text-align: right;">Page 41</p> <p>1 you otherwise employed at the same place as Mr. 2 Ralston, other than at the Hill School? 3 A. We were not. 4 Q. So, you've just been friends with 5 Mr. Ralston since 2008? 6 A. Yes. 7 Q. Have you continuously been friends 8 with Mr. Ralston since 2008? 9 A. Yes. 10 Q. Do you know the student that 11 accused Mr. Ralston? 12 A. I do not. 13 Q. Do you know Curtis Poulos? 14 A. I do not. 15 Q. Do you know Mitchell Garabedian? 16 A. No. 17 Q. When did you first meet Mr. Jubb? 18 A. He was a student at the Hill. I 19 don't recall those years. That's the date -- 20 perhaps, the second date I should have written 21 down. He was my advisee, and played on my JV 22 lacrosse team. 23 Q. So, Mr. Jubb was a student at the 24 Hill School when you worked at the Hill School</p>	<p style="text-align: right;">Page 43</p> <p>1 A. No. 2 Q. Did Mr. Ralston tell you the 3 nature of the accusations? 4 A. He was not specific. 5 Q. What did he tell you about the 6 accusations? 7 A. He emotionally described being 8 accused of appalling, inconceivable acts and 9 behavior. 10 Q. Did Mr. Ralston provide to you the 11 information regarding the nature of the acts of 12 behavior? 13 A. No, not specifically. 14 Q. Well, what did you think the 15 accusations were, based on what Mr. Ralston told 16 you during the first telephone call? 17 A. I didn't know what to think for 18 sure. I hoped that what I was imagining was not 19 true, that the accusations were simply about 20 inequitable treatment and had nothing to do with 21 anything physical or sexual. I just listened 22 and did not answer any details. 23 Q. Okay. So, when you were just 24 listening, your thought was that Mr. Ralston was</p>
<p style="text-align: right;">Page 42</p> <p>1 and was your advisee and on the JV lacrosse team 2 that you coached; is that right? 3 A. Correct. 4 Q. Did you keep in contact with Mr. 5 Jubb after he graduated from the Hill School? 6 A. No. 7 Q. So, the next time you had contact 8 with Mr. Jubb after he graduated the Hill School 9 was a few weeks ago in connection with this 10 lawsuit? 11 A. Correct. 12 Q. Okay. I'm going to ask if we 13 could return to your communication on the phone 14 with Mr. Ralston when he told you about the 15 accusations that have been made against him. 16 You said that he communicated to you that a 17 letter had arrived at the Hill School outlining 18 numerous accusations by a former student; is 19 that right? 20 A. Correct. 21 Q. Did Mr. Ralston tell you anything 22 else over the telephone about the accusations 23 that had been made against him during your first 24 communication?</p>	<p style="text-align: right;">Page 44</p> <p>1 telling you he had been accused of sexual abuse 2 of a student, a former student, but you were 3 hoping that that wasn't the case; is that right? 4 A. No, that's not what I said. 5 Q. Okay. 6 A. He was not specific about what the 7 accusations were. I hoped that they were not of 8 a physical and sexual nature. 9 Q. When did you learn the nature of 10 the accusations? 11 A. I don't recall. 12 Q. Was it close in time to when you 13 learned that the accusations had, in fact, first 14 been made? 15 A. Define close in time. 16 Q. Well, let's do it this way. At 17 some point in time you learned that a student 18 was accusing Mr. Ralston of sexual abuse; is 19 that right? 20 A. Yes. 21 Q. When did you learn that? 22 A. I don't recall. 23 Q. Was it close to when you had the 24 first contact with Mr. Ralston about the</p>

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<p style="text-align: right;">Page 45</p> <p>1 accusations, like days, weeks, months?</p> <p>2 A. Perhaps months, but not earlier</p> <p>3 than that.</p> <p>4 Q. So, there was a period of time</p> <p>5 when you knew that a student had accused Mr.</p> <p>6 Ralston of doing something but you didn't know</p> <p>7 what?</p> <p>8 A. Technically, yes.</p> <p>9 Q. Again, let's just stick with the</p> <p>10 first communication by Mr. Ralston about the</p> <p>11 accusations, which you say was via phone. Did</p> <p>12 Mr. Ralston give you any type of information</p> <p>13 that gave you any idea about the nature of the</p> <p>14 allegations?</p> <p>15 A. I don't believe he was specific.</p> <p>16 I don't believe he could be specific, because he</p> <p>17 was so sickened he couldn't even bring himself</p> <p>18 to be specific.</p> <p>19 Q. What was your take away from your</p> <p>20 friend who was very emotional and sickened about</p> <p>21 what he had been accused of?</p> <p>22 A. Complete disbelief that any</p> <p>23 accusation of any sort would be made.</p> <p>24 Q. Did you understand that there was</p>	<p style="text-align: right;">Page 47</p> <p>1 what did you understand that he was</p> <p>2 communicating to you that he had been accused</p> <p>3 of? I realize you're trying to be precise and</p> <p>4 explain he didn't give you the detail or you</p> <p>5 don't remember getting the detail, but what did</p> <p>6 he tell you? What was your take away?</p> <p>7 A. I feel like I've already answered</p> <p>8 that. I had been an administrator for a long</p> <p>9 time and have had many, many people come and</p> <p>10 speak with me about tragedies and challenges in</p> <p>11 their lives, and I have learned to listen and</p> <p>12 not to force the person in any direction he or</p> <p>13 she does not want to go, because they just need</p> <p>14 your presence and your ear, and that's what I</p> <p>15 gave him.</p> <p>16 Q. Did you receive enough information</p> <p>17 from Mr. Ralston to form an opinion about the</p> <p>18 truth or falsity of the accusations that he was</p> <p>19 telling you had been made?</p> <p>20 A. At one point he said that, and</p> <p>21 it's important for me to say that this was long</p> <p>22 before I arrived at the Hill School, and there</p> <p>23 were a lot of physical plant changes before I</p> <p>24 arrived and during my time there, but I remember</p>
<p style="text-align: right;">Page 46</p> <p>1 an accusation of some type of abuse?</p> <p>2 A. I don't recall when Mr. Ralston</p> <p>3 finally made it specific that that was the</p> <p>4 nature of the accusations.</p> <p>5 Q. Okay.</p> <p>6 A. I let him decide when and what he</p> <p>7 wanted to speak specifically about.</p> <p>8 Q. Okay. So, as far as you're</p> <p>9 concerned, when you were listening during the</p> <p>10 first telephone call, you didn't care like what</p> <p>11 the actual accusation was, you simply didn't</p> <p>12 believe any accusation against Mr. Ralston from</p> <p>13 a student; is that right?</p> <p>14 MR. JUBB: Objection to the form.</p> <p>15 You can answer.</p> <p>16 A. Before Mr. Jubb spoke up, I was</p> <p>17 going to say I don't -- I don't know how to</p> <p>18 answer that question.</p> <p>19 Q. Well, I'm just trying to</p> <p>20 understand. You get a telephone call from your</p> <p>21 friend who is emotional and sickened and tells</p> <p>22 you that there had been a letter sent to the</p> <p>23 Hill School or that arrived at the Hill School</p> <p>24 outlining accusations by a former student. And</p>	<p style="text-align: right;">Page 48</p> <p>1 him saying that the specifics of many of the</p> <p>2 allegations were in regards even to the physical</p> <p>3 space in which they took place were completely</p> <p>4 inaccurate and impossible.</p> <p>5 Q. So, you understood, based on that</p> <p>6 information that some type of physical contact</p> <p>7 was the accusation or included in the accusation</p> <p>8 that Mr. Ralston was letting you know that the</p> <p>9 physical space, the location where the physical</p> <p>10 activity he was accused of occurred was</p> <p>11 impossible because of the attributes of the</p> <p>12 specific location, is that what you're saying?</p> <p>13 A. The details given within the</p> <p>14 content of the letter, whatever those specifics</p> <p>15 were about the physical space or spaces, were</p> <p>16 quite literally structurally inaccurate.</p> <p>17 Q. That's the details given within</p> <p>18 the content of the letter about the physical</p> <p>19 space, that's information that Mr. Ralston told</p> <p>20 you in your communication, correct?</p> <p>21 A. Yes.</p> <p>22 Q. Because you wouldn't know, one way</p> <p>23 or another, because that was your point, right,</p> <p>24 that the structures were different prior to your</p>

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<p style="text-align: right;">Page 49</p> <p>1 arrival in 1997, but Mr. Ralston was letting you</p> <p>2 know that based on his reading of the content of</p> <p>3 the letter and the prior physical structure of</p> <p>4 the locations, it wasn't possible; is that</p> <p>5 right?</p> <p>6 A. I didn't know what the letter</p> <p>7 contained. I didn't know what the particular</p> <p>8 areas looked like at the time. So, yes, he was</p> <p>9 telling me -- he wasn't telling me what the</p> <p>10 specifics were, but he was telling me of the</p> <p>11 actions he was accused of. He was saying the</p> <p>12 space that was described in which the assaults</p> <p>13 took place was inaccurate, impossible.</p> <p>14 Q. Did he tell you at the time that</p> <p>15 he was accused of assaults?</p> <p>16 A. No.</p> <p>17 Q. But, you understood, based on the</p> <p>18 information that Mr. Ralston was providing to</p> <p>19 you that he was accused of some type of physical</p> <p>20 contact with the student as compared to, for</p> <p>21 example, falsifying a record or something of</p> <p>22 that nature; is that correct?</p> <p>23 A. By that time I had heard enough to</p> <p>24 feel as confident as I could be that the charges</p>	<p style="text-align: right;">Page 51</p> <p>1 that the accusations were false?</p> <p>2 A. Not at all.</p> <p>3 Q. So, I think you're trying to be</p> <p>4 clear about it is that you learned information a</p> <p>5 little bit at a time, but every bit of</p> <p>6 information you learned there was never a time</p> <p>7 when you believed the accusations against Mr.</p> <p>8 Ralston to be true; is that correct?</p> <p>9 A. Correct.</p> <p>10 Q. Did Mr. Ralston provide to you the</p> <p>11 letter after you spoke with him on the phone?</p> <p>12 A. No.</p> <p>13 Q. Did you ever see the letter?</p> <p>14 A. Have I ever seen the letter? He</p> <p>15 has never referred to it even in a summary in</p> <p>16 regards to what it contains regarding the</p> <p>17 specifics.</p> <p>18 Q. Did you learn about any other</p> <p>19 accusations against Mr. Ralston, other than the</p> <p>20 letter outlining accusations that you told us</p> <p>21 about?</p> <p>22 A. No.</p> <p>23 Q. Was there more than one letter,</p> <p>24 you don't know or --</p>
<p style="text-align: right;">Page 50</p> <p>1 were specifically -- excuse me. The letter</p> <p>2 specifically outlined physical, sexual abusive</p> <p>3 actions.</p> <p>4 Q. And, did you believe the</p> <p>5 accusations?</p> <p>6 A. No.</p> <p>7 Q. Is there any doubt in your mind</p> <p>8 about whether Mr. Ralston engaged in sexually</p> <p>9 abusive actions with the former student?</p> <p>10 A. There is no doubt in my mind that</p> <p>11 he did not engage in anything at all related to</p> <p>12 those allegations.</p> <p>13 Q. That was your immediate and</p> <p>14 consistent and has always been your view of the</p> <p>15 accusations; is that correct?</p> <p>16 A. Remembering the evolution of my</p> <p>17 understanding over time of what the letter</p> <p>18 contained, the answer is, yes. If you need me</p> <p>19 to restate that, if that was confusing I will be</p> <p>20 happy to do so, but I hope you followed what</p> <p>21 I've been saying enough to understand that</p> <p>22 answer.</p> <p>23 Q. Oh, I understand. I'm just trying</p> <p>24 to confirm that you never wavered in your view</p>	<p style="text-align: right;">Page 52</p> <p>1 A. It was relatively recently within</p> <p>2 the last four or five months where I mentioned</p> <p>3 the letter and he said, "The letters plural." I</p> <p>4 said, "What?" He said, "No, there were two." I</p> <p>5 said, "If you told me that, Matt, I completely</p> <p>6 forgot there were two." And I'm going to need a</p> <p>7 brief restroom break at some point at a good</p> <p>8 transition time, not an emergency but fairly</p> <p>9 soon.</p> <p>10 Q. Well, this is fine. I'll just</p> <p>11 pick up my questions.</p> <p>12 A. Okay.</p> <p>13 MS. DOUGHERTY: Is coming back at</p> <p>14 11:30 okay, or do you need more time</p> <p>15 than that? Whatever you need?</p> <p>16 THE WITNESS: I need at the most</p> <p>17 seven minutes.</p> <p>18 MS. DOUGHERTY: It's 11:19. So,</p> <p>19 why don't we plan to log back in at</p> <p>20 11:30. So, in ten minutes.</p> <p>21 (Whereupon, a short recess was</p> <p>22 then taken.)</p> <p>23 BY MS. DOUGHERTY:</p> <p>24 Q. So, after you learned that</p>

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<p style="text-align: right;">Page 53</p> <p>1 accusations had been made against Mr. Ralston,</p> <p>2 did you have regular contact with Mr. Ralston</p> <p>3 thereafter about the accusations?</p> <p>4 A. Not specifically about the</p> <p>5 accusations, but about the whole situation and</p> <p>6 what he was going through.</p> <p>7 Q. What did Mr. Ralston communicate</p> <p>8 to you about the whole situation and what he was</p> <p>9 going through?</p> <p>10 A. I answered that, I believe.</p> <p>11 Trying successfully to remain strong, despite</p> <p>12 the sickening, slanderous accusations.</p> <p>13 Q. Did Mr. Ralston ever communicate</p> <p>14 to you whether the school did anything about the</p> <p>15 letter or the accusations?</p> <p>16 A. Define did anything.</p> <p>17 Q. Did Mr. Ralston ever tell you that</p> <p>18 the school performed an investigation, took any</p> <p>19 adverse employment action against him, anything</p> <p>20 of that nature?</p> <p>21 A. Being placed on paid</p> <p>22 administrative leave at a place that knows him</p> <p>23 so well and that he knows so well. I personally</p> <p>24 define that as adverse and that his contract was</p>	<p style="text-align: right;">Page 55</p> <p>1 would remind me of how many years ago that first</p> <p>2 letter arrived at the school.</p> <p>3 Q. Sure. The first letter was in</p> <p>4 April 2018, and Mr. Ralston's lawsuit was in</p> <p>5 April 2019. Commenced in 2019.</p> <p>6 A. So, the first letter came four or</p> <p>7 plus a few months ago. Is my math correct?</p> <p>8 Q. No, like three.</p> <p>9 A. You said April 2019?</p> <p>10 Q. April 2018, is when the first</p> <p>11 letter was transmitted.</p> <p>12 A. Okay.</p> <p>13 Q. And then the lawsuit was commenced</p> <p>14 in April 2019. So, a year later.</p> <p>15 A. Got it. That simply helps me --</p> <p>16 will help me, hopefully, with some of your other</p> <p>17 questions. No, he -- repeat the question to</p> <p>18 make sure I remember it correctly.</p> <p>19 Q. Sure. I'm not sure I remember the</p> <p>20 specific question, but what I wanted to know is</p> <p>21 -- I'm not trying to be tricky if I ask</p> <p>22 something different.</p> <p>23 I want to know, or at least I</p> <p>24 think you confirmed that as far as you</p>
<p style="text-align: right;">Page 54</p> <p>1 not renewed.</p> <p>2 Q. So, you learned from Mr. Ralston</p> <p>3 that at some point that he was placed on paid</p> <p>4 administrative leave; is that right?</p> <p>5 A. Correct.</p> <p>6 Q. When did you learn that Mr.</p> <p>7 Ralston was placed on paid administrative leave?</p> <p>8 A. I don't recall the timing of that.</p> <p>9 Q. Did you learn that Mr. Ralston was</p> <p>10 placed on paid administrative leave after he</p> <p>11 filed his lawsuit?</p> <p>12 A. I don't recall the timing of that.</p> <p>13 Q. Was there a period -- I'm sorry.</p> <p>14 Go ahead.</p> <p>15 A. Well, I do recall he was</p> <p>16 encouraged by the school attorney, Tom Reece, to</p> <p>17 seek private counsel.</p> <p>18 Q. So, the first telephone discussion</p> <p>19 you told us about that you had with Mr. Ralston</p> <p>20 where he communicated to you accusations had</p> <p>21 been made against him, he wasn't placed on</p> <p>22 administrative leave then, at least as far as</p> <p>23 you know; is that right?</p> <p>24 A. No, I'm sure he was not. If you</p>	<p style="text-align: right;">Page 56</p> <p>1 understood it, when Mr. Ralston first</p> <p>2 communicated with you about the accusations, he</p> <p>3 had not been put on leave; is that right?</p> <p>4 A. To the best of my memory, no. It</p> <p>5 was some time after that.</p> <p>6 Q. Okay. So, there was a period of</p> <p>7 time, I think you said that he was encouraged by</p> <p>8 the school's attorney, Tom Reece, to retain his</p> <p>9 own attorney, and then after that that's when</p> <p>10 you learned from Mr. Ralston he had been put on</p> <p>11 paid administrative leave; is that right?</p> <p>12 A. I don't know the timing between</p> <p>13 that strong encouragement from Mr. Tom Reece and</p> <p>14 Matt versus the paid administrative leave</p> <p>15 timing. I don't recall.</p> <p>16 Q. But, there was at least some</p> <p>17 period of time between when you learned of the</p> <p>18 accusations, the letter and when you learned</p> <p>19 that Mr. Ralston was placed on administrative</p> <p>20 leave; is that right?</p> <p>21 A. Some period of time, yes.</p> <p>22 Q. Weeks, months, days, years?</p> <p>23 A. I don't recall.</p> <p>24 Q. And, you don't remember if you</p>

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<p style="text-align: right;">Page 57</p> <p>1 learned about the paid administrative leave 2 before or after you learned that Mr. Ralston 3 commenced a lawsuit? 4 A. To the best of my recollection, he 5 initiated a lawsuit after he was placed on paid 6 administrative leave. 7 Q. But, your recollection is based on 8 what Mr. Ralston told you, correct? 9 A. Yes. 10 Q. So, you're recalling the timeline 11 based on your communications with Mr. Ralston; 12 is that right? 13 A. I'm doing my best to recall the 14 timeline, and all of this is based on what I was 15 hearing from Mr. Ralston, yes. 16 Q. So, you didn't have any 17 communications with anyone at the Hill School 18 or any of, you know, your former students from 19 the Hill School or former colleagues from the 20 Hill School or anyone to learn this information, 21 like about the paid leave or the letters or 22 anything. Everything you learned about the 23 accusations, the lawsuit and whatnot, is all 24 from what Mr. Ralston told you; is that correct?</p>	<p style="text-align: right;">Page 59</p> <p>1 communicated to you about when he was placed on 2 administrative paid leave? 3 A. I don't, no. 4 Q. Did Mr. Ralston tell you how he 5 was placed on administrative leave as in did 6 someone tell him, did he receive a writing? How 7 did he learn? Did he tell you anything of that 8 nature? 9 A. I don't know. I don't recall 10 whether he told me the mode of communication 11 between the Hill School and Matthew Ralston 12 about the paid administrative leave. 13 Q. And, I think you said that you 14 learned from Mr. Ralston that his contract 15 wasn't renewed; is that right? 16 A. Yes, correct. 17 Q. When did you learn from Mr. 18 Ralston that his contract with the Hill School 19 had not been renewed? 20 A. I do not recall. 21 Q. And, did you learn via telephone 22 from Mr. Ralston that his contract with the Hill 23 School had not been renewed? 24 A. Yes.</p>
<p style="text-align: right;">Page 58</p> <p>1 A. Correct. 2 Q. So, for all you know, Mr. Ralston 3 could have been on paid leave longer or shorter 4 than, you know, when he actually told you he was 5 on paid leave; is that correct? 6 A. Repeat how you prefaced that 7 question. For all I know... 8 Q. Well, let's do it this way. You 9 didn't get like a text message from Mr. Ralston 10 that said, you know, I got put on paid leave 11 today; is that right? 12 A. No. It was -- it would have been 13 a phone call. A phone conversation. 14 Q. And, how did you learn -- what was 15 the content of the phone conversation that you 16 had with Mr. Ralston where you learned that he 17 was placed on paid leave? 18 A. I don't recall anything more than 19 that. 20 Q. So, you don't recall whether, for 21 example, he called you and said, today I was 22 placed on paid leave or, oh, by the way, I've 23 been on paid leave. You remember nothing about 24 the time frame that Mr. Ralston may have</p>	<p style="text-align: right;">Page 60</p> <p>1 Q. How frequently do you speak on the 2 telephone with Mr. Ralston? 3 A. Generally, at least once a day. 4 Sometimes more than that, and then sometimes not 5 for several days if he or I are with family or 6 traveling. 7 Q. And, that frequency of 8 communication, has that been the case for 2021, 9 2020, 2019 and 2018? 10 A. It was certainly not as frequent 11 when he and I were both working full time at the 12 same time, but it was still fairly regularly. 13 Q. How about after you learned about 14 the accusations against Mr. Ralston, was that 15 the same frequency? It sounded like at least 16 once a week, even as much as every day, 17 depending on what was going on in your life and 18 Mr. Ralston's life; is that right? 19 A. Yes. Yes. 20 Q. So, that's the frequency of your 21 telephone contacts with Mr. Ralston since you've 22 learned about the accusations; is that right? 23 A. And certainly since he was placed 24 on paid administrative leave and was no longer</p>



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<p style="text-align: right;">Page 61</p> <p>1 working and had -- therefore, we both had more</p> <p>2 opportunity to speak rather than the two of us</p> <p>3 working.</p> <p>4 Q. Are you currently employed?</p> <p>5 A. I am not.</p> <p>6 Q. When was the last time that you</p> <p>7 worked full time?</p> <p>8 A. My one year interim headship, head</p> <p>9 of school position ended 7-1-20. That's when</p> <p>10 that sca e-mail no longer was available.</p> <p>11 Q. So, based on your recollection,</p> <p>12 was Mr. Ralston already on leave at the time</p> <p>13 when your interim headship ended on July 1st,</p> <p>14 2020?</p> <p>15 A. Yes.</p> <p>16 Q. And so, since July 1st, 2020,</p> <p>17 you've had more time so that contact between you</p> <p>18 and Mr. Ralston has been more frequent; is that</p> <p>19 right?</p> <p>20 A. Yes. By phone and text, yes.</p> <p>21 Q. And I think throughout your</p> <p>22 testimony you paused and tried to do your best</p> <p>23 with some of the time frames. But, is it the</p> <p>24 case that you can't place communications at a</p>	<p style="text-align: right;">Page 63</p> <p>1 A. And a combination would have been</p> <p>2 the fact that I do not have, as some people do,</p> <p>3 the time, date recall that allows me to be</p> <p>4 confident in placing exactly when things</p> <p>5 happened or were said. And, that's in general,</p> <p>6 not just in regards to this topic.</p> <p>7 Q. Yes. Some might say that's</p> <p>8 something that plagues us English majors, right?</p> <p>9 Anyway. Did Mr. Ralston ever</p> <p>10 describe to you his relationship with the person</p> <p>11 who accused him?</p> <p>12 A. Very -- initially in a very, very</p> <p>13 minimal way.</p> <p>14 Q. Okay. You said initially. So,</p> <p>15 did you receive more information from Mr.</p> <p>16 Ralston over time about his relationship with</p> <p>17 the accuser?</p> <p>18 A. I did.</p> <p>19 Q. So, what did you learn initially</p> <p>20 about Mr. Ralston's relationship with his</p> <p>21 accuser?</p> <p>22 A. That he did not remember the</p> <p>23 former student very well.</p> <p>24 Q. Did he tell you the identity of</p>
<p style="text-align: right;">Page 62</p> <p>1 time frame just because you have so much contact</p> <p>2 with Mr. Ralston and have had so much contact</p> <p>3 with Mr. Ralston since learning about the</p> <p>4 accusations?</p> <p>5 A. No, not since learning about the</p> <p>6 accusations, but we have been very close</p> <p>7 friends. We were, particularly, in the last few</p> <p>8 years of our overlap at the Hill School and we</p> <p>9 remained in touch very closely since then,</p> <p>10 though, I believe, we've only seen each other at</p> <p>11 two conferences, and then one very brief hello</p> <p>12 when he was driving by where I was visiting</p> <p>13 family in Ohio.</p> <p>14 Q. Okay. So, the frequency of your</p> <p>15 contact with Mr. Ralston, I realize you've</p> <p>16 explained it, it's increased more recently, but</p> <p>17 the frequency of your contact has been since</p> <p>18 2008, when you left the Hill School?</p> <p>19 A. Yes.</p> <p>20 Q. As for your difficulty in placing</p> <p>21 specific communications in a specific timeline</p> <p>22 or give specific dates is because you've had so</p> <p>23 much contact with Mr. Ralston it's impossible to</p> <p>24 do; is that right?</p>	<p style="text-align: right;">Page 64</p> <p>1 the former student?</p> <p>2 A. I don't recall. And, it wouldn't</p> <p>3 have mattered because the student was at Hill</p> <p>4 long before I was there.</p> <p>5 Q. So that at some point you learned</p> <p>6 the time frame in which the conduct that Mr.</p> <p>7 Ralston was accused of committing occurred; is</p> <p>8 that right?</p> <p>9 A. Even that took me a long -- Mr.</p> <p>10 Ralston has reminded me that this was, as I</p> <p>11 said, I think earlier over -- I believe over 25</p> <p>12 years ago. And, as I said, I -- once I hear</p> <p>13 that, it's gone two days later, that he reminds</p> <p>14 me that it was that long ago.</p> <p>15 Q. So, it's not the case that you</p> <p>16 recognize the accuser's name or anything like</p> <p>17 that from, I don't know, the Hill School alumni</p> <p>18 events or something of that nature?</p> <p>19 A. No. No recognition.</p> <p>20 Q. I think you said you learned more</p> <p>21 information regarding Mr. Ralston's relationship</p> <p>22 with his accuser over time from Mr. Ralston.</p> <p>23 So, what else did you learn?</p> <p>24 A. This individual lived in Mr.</p>



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<p style="text-align: right;">Page 65</p> <p>1 Ralston's dorm for a year. That given the many, 2 many hundreds if not thousands of students that 3 both of us have taught or coached or been dorm 4 parents for, I believe he had to go confirm that 5 he even had this individual in a class and what 6 classes he might have taught him, but I don't 7 even -- I don't recall any of those details, 8 other than it took him some time to find out 9 that information, or confirm it.</p> <p>10 Q. So, Mr. Ralston expressed to you 11 that he didn't recognize the student and had to 12 go look through records that he can confirm 13 whether the student was a student of his; is 14 that right?</p> <p>15 A. I think you're -- I'm not sure 16 that's the right -- with all due respect, I 17 don't think that's the right question. We -- 18 teachers remember students. But, if you were to 19 walk up and ask -- you know, a student will walk 20 up to you and say, do you remember how many 21 years you taught me or you coached me, I would 22 not remember and I wouldn't remember exactly 23 whether they graduated two years ago or eight. 24 So, he was going through the same process. So,</p>	<p style="text-align: right;">Page 67</p> <p>1 of trying to figure out why -- how or why 2 somebody could possibly make accusations -- when 3 I say make accusations like this, it's 4 inconceivable that you can find any 5 justification for it, but he says the only thing 6 he ever remembers that was of a real contentious 7 nature is that something about the student 8 leaving in a car and coming back, and Matt 9 recognized the car. Mr. Ralston recognized the 10 car and parked behind it so that he could notify 11 -- I don't recall whether he could talk with a 12 student or notify the dean's office that a 13 student had illegally -- illegally meaning 14 within school rules, transported a vehicle back 15 to school after being specifically told not to.</p> <p>16 Q. So, this information about the 17 car, and I'll just call it the car incident. 18 That's information that Mr. Ralston communicated 19 to you that he remembered on his own after 20 reviewing materials about his accuser?</p> <p>21 A. No. I think that -- I think he did 22 recall that. Again, he remembered the boy, the 23 student at the time, and I think he was aware 24 that he taught him. He wasn't sure what years</p>
<p style="text-align: right;">Page 66</p> <p>1 hundreds and hundreds and hundreds of students 2 that have come through a school that was about 3 500 students total every year, and could not 4 remember details.</p> <p>5 Q. So, Mr. Ralston did not initially 6 recognize this student's name and then --</p> <p>7 A. No. That's not what I'm saying, 8 no. That's what I meant by he remembered his 9 name. He remembered what was then a student, 10 but that individual wasn't one that had stood 11 out to him as a student or in any other way 12 enough so that he remembered a great deal.</p> <p>13 Q. Okay. So then Mr. Ralston had to 14 look through some of the school records to 15 basically refresh his recollection about his 16 contact with the accuser; is that right?</p> <p>17 A. I believe so, yeah.</p> <p>18 Q. Thank you for clarifying. I 19 understand what you're saying now.</p> <p>20 Did Mr. Ralston share with you any 21 of the information that he learned about his 22 accuser or just that his process of reviewing 23 information about the accuser?</p> <p>24 A. In the very natural human process</p>	<p style="text-align: right;">Page 68</p> <p>1 or how often. He was aware he was in the dorm, 2 but exactly when and what years, but that 3 particular event is the only one where -- that 4 he recalls where this individual -- I talked 5 earlier about individual students can, because 6 they're kids, can blame the teacher for, in this 7 case, I was the dean of students. I was the 8 person who was in charge of discipline, and I 9 was perceived a particular way because of that. 10 And so, he thought the only negative perception 11 that this individual could have is because of 12 that one single event, because he doesn't 13 remember any other interactions of note.</p> <p>14 Q. So, Mr. Ralston couldn't come up 15 with any reason why his accuser would accuse him 16 of sexual abuse, and the only negative 17 interaction Mr. Ralston could remember of this 18 particular student was as it related to the car 19 that you've relayed; is that right?</p> <p>20 A. Correct. Adolescent indignance at 21 being held accountable for violating a school 22 rule.</p> <p>23 Q. I think you described it as a 24 natural human process of trying to figure out</p>

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1 why the accusations were made. Did you and Mr.  
2 Ralston discuss any other reasons the  
3 accusations were made during that process of the  
4 natural human process of trying to figure it  
5 out, other than a car incident?  
6 A. No. Obviously, the car incident  
7 in no way makes any sense, but there's not a  
8 single thing during the individual's time at the  
9 school that he discussed as being memorable in  
10 any significant way.  
11 Q. Okay. So, during your  
12 communications with Mr. Ralston, he expressed to  
13 you that could not think of any reason or motive  
14 that this student would have to accuse him of  
15 sexual abuse; is that right?  
16 A. Correct.  
17 Q. Is there any other information  
18 that Mr. Ralston communicated to you about his  
19 relationship with his accuser, other than what  
20 you've told me already?  
21 A. His relationship at the Hill  
22 School, no.  
23 Q. What information has Mr. Ralston  
24 told you, other than about his relationship with

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1 the accuser at the Hill School about his  
2 accuser?  
3 MR. JUBB: Object to the question.  
4 A. Nothing that specifically is in  
5 regards to the plaintiff.  
6 Q. I don't understand.  
7 A. I believe that Mr. Ralston heard  
8 that the plaintiff has had struggles during his  
9 adult life.  
10 Q. Okay. Just to be clear. Mr.  
11 Ralston is the plaintiff, right? That's why I  
12 didn't understand. So, in this lawsuit you're  
13 here testifying about Mr. Ralston commenced the  
14 lawsuit, and he's the plaintiff, and then there  
15 are defendants. One is my client, Mitchell  
16 Garabedian, the other is Mr. Poulos, who, I  
17 realize --  
18 A. Yes.  
19 Q. -- you don't recognize him, but  
20 he's the accuser. So --  
21 A. If I just said plaintiff, I  
22 believe that was the first time that I made a  
23 mistake. I meant that Mr. Ralston has indicated  
24 that the defendant has had at least emotional,

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1 if not legal difficulties during his adult life.  
2 Q. Okay. And by defendant, you're  
3 referring to Mr. Poulos, or the accuser, right,  
4 not the lawyer; is that right?  
5 A. Correct.  
6 Q. Because you understand, and  
7 correct me if I'm wrong -- let me do it this  
8 way. Is it your understanding that Mr. Ralston  
9 has sued a lawyer and then the lawyer's client  
10 who accused Mr. Ralston --  
11 A. Yes.  
12 Q. -- of sexual conduct, right?  
13 A. Let me be very clear of that, and  
14 to make sure that I'm clear. You are  
15 representing only one client, and that's Mr.  
16 Poulos.  
17 Q. No. I represent Mitchell  
18 Garabedian, who is the lawyer. That's the only  
19 person I represent. I do not represent Mr.  
20 Poulos, who's the accuser.  
21 A. That's fine, and I apologize for  
22 that.  
23 Q. No, that's okay.  
24 A. It wouldn't have changed any of my

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1 answers, but I -- because I admit, I, at several  
2 points, had wanted to ask just a procedural  
3 question for confirmation that Matt Ralston is  
4 the plaintiff, because this line of questioning,  
5 it feels as though he's being portrayed as the  
6 defendant. So, that's been confusing to me, but  
7 carry on.  
8 Q. Sure. You don't have to  
9 apologize, because I just need to make sure that  
10 we're talking about the same thing, right? And  
11 so, that's why I asked the clarification. But  
12 just so you understand, Mr. Ralston, he's  
13 identified in the lawsuit as John Doe, but we  
14 all know who he is. So, we've been using his  
15 name, has commenced the lawsuit against a  
16 lawyer, Mitchell Garabedian and, you know, his  
17 law office. That's who I represent. I'm the  
18 lawyer for Mitchell Garabedian, and Mitchell  
19 Garabedian is a defendant. And then there's  
20 another defendant, Kurtis Poulos, and I do not  
21 represent him. He's not here today. He was the  
22 one who asked for us to reschedule and then  
23 didn't come. Mr. Poulos used to be my client's  
24 client. So, you have the lawyer, Mitchell

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<p style="text-align: right;">Page 73</p> <p>1 Garabedian and Mr. Poulos who's not here, and 2 doesn't have a lawyer here for him today. And 3 Mr. Jubb is Mr. Ralson's lawyer, which I think 4 you already know that. 5 A. And I was aware of that. This 6 line of questioning, I think, has confused me to 7 the point where I have felt as though you're the 8 Poulos defense attorney, and I think that's what 9 happened. So, as I said, carry on. 10 Q. Sure. Learning what you know 11 about the falsity, or Mr. Ralston's contention 12 about the falsity of the accusations, because 13 it's information that you've been identified as 14 having. And I just, again, want to know what 15 you heard, know and remember. And please, 16 again, if you have any questions, feel free to 17 ask them, and I'll answer them. If you don't 18 understand, which I think you've been doing 19 pretty well anyway, you just let me know, and if 20 you need a break again, you'll let me know. 21 A. I've been doing pretty good not 22 understanding, is that what you -- 23 Q. No, no. You've been doing a 24 pretty good job telling me when you don't</p>	<p style="text-align: right;">Page 75</p> <p>1 lawsuit is information about legal issues and 2 mental health issues that the accuser has had; 3 is that correct? 4 A. Allegedly had, yes. 5 Q. Anything else that Mr. Ralston has 6 communicated to you about his accuser, whether 7 it be from his time at the Hill School or from 8 what he's learned during the prosecution of his 9 lawsuit? 10 A. No. 11 Q. Has Mr. Ralston communicated to 12 you about any testimony by anyone in this case? 13 His case being this lawsuit. 14 A. Testimony. Can you define that 15 word in the way that you're using it? 16 Q. Sure. Did Mr. Ralston tell you 17 whether anyone, other than his wife or brother, 18 had their deposition conducted? 19 A. I believe he said Mr. Poulos was 20 deposed and that Mr. Garabedian was deposed. 21 Q. And did Mr. Ralston tell you about 22 anything that Mr. Poulos said during his 23 deposition? His being Mr. Poulos' deposition. 24 A. No. No. I'm not even sure he was</p>
<p style="text-align: right;">Page 74</p> <p>1 understand when I've formed a question that 2 doesn't make sense to you, which happens. Okay. 3 So, is it correct that you've 4 learned from Mr. Ralston that he's learned that 5 his accuser has had legal or mental health 6 issues during the course of Mr. Ralston's 7 lawsuit; is that right? 8 A. It is not correct that I know that 9 he's had those issues during the lawsuit, no. 10 Q. Okay. I think you're making a 11 distinction, that Mr. Ralston learned that 12 information during the course of Mr. Ralston's 13 lawsuit as compared to learning it when he was 14 teaching the student; is that correct? 15 A. Absolutely correct. 16 Q. Okay. So, Mr. Ralston has relayed 17 to you certain information that Mr. Ralston 18 learned about his accuser during the course of 19 Mr. Ralston prosecuting his lawsuit; is that 20 right? 21 A. Correct. 22 Q. And that particular information 23 that Mr. Ralston has relayed to you what he 24 already learned about his accuser during the</p>	<p style="text-align: right;">Page 76</p> <p>1 aware of the deposition details. 2 Q. Okay. And so, Mr. Ralston didn't 3 tell you anything about testimony by Mr. 4 Garabedian; is that correct, during his 5 deposition? 6 A. He said that Garabedian has not 7 tried a case in about -- I'm not positive, but 8 he said 20 years, and he was surprised by that. 9 And that there are a number of attorneys in that 10 office who Mr. Garabedian claimed had authority 11 to send written communications with Mr. 12 Garabedian's name, signature on the bottom. 13 Q. Is there anything else that Mr. 14 Ralston told you about Mr. Garabedian's 15 testimony during Mr. Garabedian's deposition in 16 this matter? 17 A. Not that I recall. 18 Q. Has Mr. Ralston told you anything 19 else about Mr. Garabedian? 20 A. No. 21 Q. Have you ever done any research 22 regarding Mr. Garabedian, like a Google search 23 or anything like that? 24 A. Yes. And, it prompted me to watch</p>

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<p style="text-align: right;">Page 77</p> <p>1 the Spotlight movie.</p> <p>2 Q. You say you performed a Google</p> <p>3 search of Mr. Garabedian; is that right?</p> <p>4 A. Yes.</p> <p>5 Q. And you learned through the Google</p> <p>6 search that Mr. Garabedian is the lawyer</p> <p>7 portrayed in the movie Spotlight?</p> <p>8 A. Yes.</p> <p>9 Q. So, that's information you learned</p> <p>10 from a Google search or did you learn it from a</p> <p>11 different source?</p> <p>12 A. I believe that Mr. Ralston had</p> <p>13 found out that connection fairly early after the</p> <p>14 letters, or letter, as I said earlier, I thought</p> <p>15 it was just one letter arrived at the Hill</p> <p>16 School.</p> <p>17 Q. Okay. So, it's your recollection</p> <p>18 that Mr. Ralston learned that Mr. Garabedian is</p> <p>19 the lawyer who was portrayed in the movie</p> <p>20 Spotlight close to when he, he being Mr.</p> <p>21 Ralston, learned about the first letter; is that</p> <p>22 right?</p> <p>23 A. Yes.</p> <p>24 Q. And --</p>	<p style="text-align: right;">Page 79</p> <p>1 (Whereupon, a short recess was</p> <p>2 then taken.)</p> <p>3 THE WITNESS: I'm good to go.</p> <p>4 BY MS. DOUGHERTY:</p> <p>5 Q. Okay. Thank you. When you</p> <p>6 learned from Mr. Ralston that Mr. Garabedian,</p> <p>7 the lawyer for his accuser was the lawyer</p> <p>8 portrayed in Spotlight, is that what prompted</p> <p>9 you watch the movie?</p> <p>10 A. Two things did. That, and the</p> <p>11 fact that the Spotlight group had done a similar</p> <p>12 piece on independent schools.</p> <p>13 Q. So, you watched the movie</p> <p>14 Spotlight close in time to when Mr. Ralston told</p> <p>15 you that the lawyer for the accuser was the</p> <p>16 lawyer portrayed in the movie?</p> <p>17 A. I have no idea when I watched it,</p> <p>18 and what the timing was.</p> <p>19 Q. How about the Google search, did</p> <p>20 you perform a Google search of Mr. Garabedian</p> <p>21 when you learned the information from Mr.</p> <p>22 Ralston about Mr. Garabedian or at a later time?</p> <p>23 A. At a later time.</p> <p>24 Q. What prompted you to do the Google</p>
<p style="text-align: right;">Page 78</p> <p>1 A. I believe so.</p> <p>2 Q. And, did Mr. Ralston tell you</p> <p>3 early in the timeline while you learned about</p> <p>4 the accusations that the accuser's lawyer was</p> <p>5 portrayed in the movie Spotlight?</p> <p>6 A. I believe so.</p> <p>7 Q. So, you learned from Mr. Ralston</p> <p>8 that Mr. Garabedian, my client, who's the lawyer</p> <p>9 that's being sued --</p> <p>10 A. Yes.</p> <p>11 Q. -- was the lawyer for the accuser</p> <p>12 and the lawyer portrayed in the movie Spotlight</p> <p>13 for Mr. Ralston; is that right?</p> <p>14 A. Yes.</p> <p>15 Q. Did Mr. Ralston tell you how he</p> <p>16 learned that information?</p> <p>17 A. He did not.</p> <p>18 Q. And, was Mr. Ralston -- did we</p> <p>19 lose you there?</p> <p>20 A. I need to get my charger.</p> <p>21 Q. Sure.</p> <p>22 A. That will take 30 seconds.</p> <p>23 Q. Okay.</p> <p>24 A. It alerted me to low power mode.</p>	<p style="text-align: right;">Page 80</p> <p>1 search of Mr. Garabedian?</p> <p>2 A. From what I consider obvious</p> <p>3 reasons, I would have done a Google search on</p> <p>4 any -- whoever the attorney was who had sent the</p> <p>5 letter, but curiosity. I hadn't seen the movie,</p> <p>6 so I didn't know what role he had played in that</p> <p>7 investigation involving the Catholic Church. I</p> <p>8 didn't know what his role was.</p> <p>9 Q. So, I guess what I'm getting at is</p> <p>10 what prompted you to do the search at a later</p> <p>11 time as compared to when you originally learned</p> <p>12 the information? Was there some other event</p> <p>13 that occurred that caused you to want to perform</p> <p>14 additional research, or I guess to perform</p> <p>15 research on your own about Mr. Garabedian?</p> <p>16 A. I have no idea nor do I -- I don't</p> <p>17 -- if I understood the spirit or the intent of</p> <p>18 the question, maybe I can understand why you</p> <p>19 were asking, but I -- initially I didn't care</p> <p>20 who the attorney was. I only cared that a</p> <p>21 letter had arrived from an attorney.</p> <p>22 Q. Did you learn additional</p> <p>23 information from Mr. Ralston that made you</p> <p>24 conduct a Google search? Did he communicate to</p>



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<p style="text-align: right;">Page 81</p> <p>1 you activity in his lawsuit or -- I mean, I just 2 want to know if there was some, you know, event 3 or communication from Mr. Ralston that made you 4 do the Google search?</p> <p>5 A. What is the significance of the 6 timing of the Google search that will help me 7 maybe understand why you're asking these things?</p> <p>8 Q. I'm not required to answer the 9 question, but I will, as a courtesy. I think 10 that when people, witnesses are walked through a 11 timeline or asked about specific events, it 12 sometimes helps to put other events in 13 perspective. So, if you said to me, for 14 example, I have no reason to believe this to be 15 true, but if you said Mr. Ralston called and 16 told me X about Mr. Garabedian, or that Mr. 17 Garabedian said X during his deposition, and 18 then that triggered me to do a Google search, I 19 might learn additional information that would, 20 you know, help me place things at a timeline. 21 It's not the significance of the Google search 22 as much as that you did it, what you learned and 23 when you did it and to try to place it in a 24 timeline. So, for example, if you said that I</p>	<p style="text-align: right;">Page 83</p> <p>1 Q. So, you wanted to learn whether 2 Mr. Garabedian was the prosecutor or a lawyer 3 for one of the victims for sexual abuse 4 perpetrated by the accused priests; is that 5 right?</p> <p>6 A. Yeah. That was my motivation, 7 yes. There was nothing -- there was no other 8 reason for the search.</p> <p>9 Q. And, was it triggered based on the 10 information you learned by Mr. Ralston about Mr. 11 Garabedian's testimony, like you identified that 12 Mr. Ralston relayed that Mr. Garabedian hadn't 13 tried a case in a while, something along those 14 lines, is that what triggered you?</p> <p>15 A. No. No. I -- it was long before 16 I heard that.</p> <p>17 Q. Sir, is there other information 18 that you learned about Mr. Garabedian through 19 your Google search or from Mr. Ralston, other 20 than what you've already told me?</p> <p>21 A. No.</p> <p>22 Q. Did you do any other type of 23 investigation? I don't know what it would be, 24 but any other investigation, other than a Google</p>
<p style="text-align: right;">Page 82</p> <p>1 did the Google search because Mr. Ralston told 2 me that he had been put on administrative leave 3 that made me angry. Then, like, we might be 4 able too figure that out, right? Do you see 5 what I'm saying?</p> <p>6 A. Yes.</p> <p>7 Q. So, I'm just trying to see if you 8 can place a time or explain to me what triggered 9 you to do the Google search, because as you've 10 explained it it was some time after you actually 11 learned that the lawyer involved was someone who 12 had been portrayed in the movie. So, it 13 suggested to me that there was some other event 14 that made you more curious about the lawyer. 15 So, is that the case, or did you just decide one 16 day to do a Google search of the lawyer?</p> <p>17 A. I believe I just decided -- I 18 decided to find out what his -- exactly what his 19 role had been, not in the movie, but in the -- 20 in the case against the Catholic Church. Quite 21 simply, had he been the prosecuting attorney or 22 had some other role, and I discovered he had -- 23 he was, I believe, if I remember correctly, was 24 representing the alleged victims.</p>	<p style="text-align: right;">Page 84</p> <p>1 search regarding Mr. Garabedian?</p> <p>2 A. Not that I recall.</p> <p>3 Q. Did Mr. Ralston tell you whether 4 there had been other depositions taken in his 5 lawsuit, other than his wife, brother, Mr. 6 Poulos and Mr. Garabedian?</p> <p>7 A. No.</p> <p>8 Q. Did Mr. Ralston tell you about any 9 of the court proceedings or any of the written 10 submissions, anything like that in this 11 lawsuit?</p> <p>12 A. No.</p> <p>13 Q. Did Mr. Ralston ever send you a 14 copy of any written submissions --</p> <p>15 A. No.</p> <p>16 Q. -- or anybody's deposition 17 testimony or anything like that?</p> <p>18 A. No.</p> <p>19 Q. Have you seen the letter or 20 letters, now that you know there's two?</p> <p>21 A. No.</p> <p>22 Q. Have you ever asked Mr. Ralston to 23 see the letters?</p> <p>24 A. I think at some point he and I --</p>

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<p style="text-align: right;">Page 85</p> <p>1 I think I said if it would be helpful in 2 supporting you to see the letter or letters, 3 that I would be happy to do so. I don't need 4 to, and it's up to you, and he thought about it 5 and he said, "No, I don't want to share them." 6 So, I didn't see them, and that was the extent 7 of any other conversation about the letters. 8 Q. So, is it fair to say, Mr. Ralston 9 didn't like read them to you over the phone; is 10 that right? 11 A. No. No. 12 Q. Did Mr. Ralston ever communicate 13 to you who else is aware of the accusations 14 against him? 15 A. Yes. But what -- well, I'll start 16 with, yes, and then you can follow up. 17 Q. Yes. Who did Mr. Ralston 18 communicate to you was aware of the accusations 19 against him? 20 A. You know, aside from his wife, his 21 brother, me. I think he talked in a very 22 general way about a few people that he was going 23 to either be seeing or dealing with whom he felt 24 he needed to, not provide details, but let them</p>	<p style="text-align: right;">Page 87</p> <p>1 had either heard or received some sort of 2 communication from the Hill School or had an 3 inkling already, and he was aware of that. 4 Q. Okay. The individuals you have in 5 mind had received information that Mr. Ralston 6 was no longer affiliated with the school; is 7 that correct? 8 A. In some fashion. Word of mouth. 9 Q. Right. But, the inkling you're 10 talking about is not an inkling about 11 accusations of sexual abuse, just an inkling 12 that he wasn't affiliated with the school 13 anymore; is that correct? 14 A. Correct. 15 Q. Okay. And so then Mr. Ralston, at 16 least a far as he communicated to you, told some 17 of the people, I think you described it as a 18 respectful, neutral way, about the accusations; 19 is that correct? 20 A. I don't know that he spoke about 21 the accusations, no. I think he simply said, 22 there's an issue that makes it best for me to 23 not to come back for your reunion, or I need it 24 make you aware of this if we're going to</p>
<p style="text-align: right;">Page 86</p> <p>1 know. And he was asked straight out by many, 2 "How come you're not at the Hill anymore?" And 3 he, in some cases, depending on the 4 relationship, would, I believe say, "I'm not 5 interested in speaking. Can we just talk about 6 other things." But then there are some others 7 that he had such, either personal or 8 professional relationships where he felt that 9 they deserved to know, not the details, but 10 acted as if they knew something was up. 11 Q. Anyone else? 12 A. No. 13 Q. And so, the list as you've 14 described it of people that Mr. Ralston 15 communicated to you that knew about the 16 accusations, these are people who Mr. Ralston 17 told about the accusations; is that right? 18 A. Not about the accusations, just 19 that, "Why can't you come to the reunion? You 20 were such an important part of the school and 21 the class." And he doesn't lie, and prepared a 22 respectful, relatively neutral way of saying 23 that it's not best for him to be there, because, 24 and, as I said, every one of these individuals</p>	<p style="text-align: right;">Page 88</p> <p>1 continue to interact in any sort of honest way 2 together, that there is an issue. And, as I 3 said, I believe most of these people were aware 4 that there was an issue, but not the details, 5 and he did not make them aware of the details, 6 to my knowledge. 7 Q. Okay. So, when you say that the 8 people were aware of an issue, you mean that he 9 wasn't affiliated with the school, not that an 10 accusation had been made by a student against 11 him, correct? 12 MR. JUBB: Object to the question. 13 THE WITNESS: Mr. Jubb, did you 14 say something? 15 MR. JUBB: I just objected. 16 Q. I just want to know what you're 17 referring to when you say issue. 18 A. And, I am doing my best, as you 19 said earlier, to try to be as accurate as I can, 20 but actually be as accurate as I can be, even if 21 I don't have a specific answer. 22 Q. Well, here's the thing. I 23 understand that you don't have personal 24 knowledge of the communications because you</p>



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<p style="text-align: right;">Page 89</p> <p>1 weren't there, right? So, you're telling me 2 what Mr. Ralston told you. I'm just trying to 3 understand so I'm clear on your answer what you 4 meant when you said that they had an inkling, 5 the descriptive word you used about, quote, an 6 issue. That's all. 7 A. Yeah. There were a few more 8 respected teachers, administrators, coaches, 9 dorm parents than Mr. Matt Ralston during his 10 tenure at the school, and he has a tremendous 11 number of former students and former colleagues 12 who identify with the Hill because, to a great 13 extent, one of their most powerful memories is 14 Mr. Ralston, and he knew it would not be 15 possible to simply tell every person, "I can't 16 talk about it." Is that helpful? 17 Q. Yes. I'm just trying to 18 understand when you use the word issue, what you 19 were referring to. My understanding of your use 20 of issue was that Mr. Ralston wasn't affiliated 21 with the Hill School or wasn't attending an 22 alumni event. I just want to make sure there 23 wasn't some other issue that you were referring 24 to.</p>	<p style="text-align: right;">Page 91</p> <p>1 Q. Did Mr. Ralston ever identify to 2 you any person who communicated to him that they 3 were aware of the accusations? 4 A. No. 5 Q. Do you know of anyone who learned 6 of the accusations against Mr. Ralston by 7 someone other than Mr. Ralston? 8 A. I don't know of anyone other than 9 the list of names that I gave you who are aware 10 of the specific nature of the allegations, 11 period. I don't know of a single other person 12 who's aware of the allegations. 13 Q. Okay. The list you're talking 14 about, the wife, brother, you. 15 A. Obviously, his counsel, and 16 whoever else in the firm that was working on 17 that situation. I am not aware of any other 18 person who is aware of the accusations. 19 Q. Do you know anyone who believes 20 the accusations? 21 A. No. 22 Q. Has Mr. Ralston identified to you 23 anyone who believes the accusations? 24 A. No.</p>
<p style="text-align: right;">Page 90</p> <p>1 A. No. 2 Q. And it's my understanding that 3 when asked why he wasn't at an alumni event or 4 why he wasn't somewhere, Mr. Ralston, in some 5 situations felt, based on his relationship with 6 the person, that he had to communicate some 7 information to the person about why he wasn't 8 there, and he provided more information to some 9 over others; is that right? 10 A. That's my presumption, yes. 11 Q. So, the people that you listed, 12 the wife, brother, you identified yourself, and 13 then some of the people you describe, which they 14 sound like colleagues from the Hill School or 15 former students, these are all people, at least, 16 based on what Mr. Ralston told you, who did not 17 know that he had been accused of sexual abuse at 18 the time when he communicated whatever he 19 decided to communicate, but when he communicated 20 with those individuals; is that right? 21 A. No. 22 MR. JUBB: Objection to form. 23 A. I said I don't know what they 24 knew, but they had an inkling something was up.</p>	<p style="text-align: right;">Page 92</p> <p>1 Q. Do you think differently of Mr. 2 Ralston now that you've learned the accusations? 3 A. Respect him more than I ever did. 4 Q. Okay. So, your perception of Mr. 5 Ralston has improved since you've learned of the 6 allegations or accusations against him; is that 7 right? 8 A. I've been in awe of his strength. 9 Q. Do you know anyone who thinks 10 differently about Mr. Ralston because of the 11 accusations? 12 A. No. 13 Q. Do you know anyone whose 14 relationship with Mr. Ralston has changed 15 because of the accusations? 16 A. Only in that he is less free to 17 reach out as he might normally to former 18 students and former colleagues in a purely 19 social way. 20 Q. Because he is no longer affiliated 21 with the Hill School? 22 MR. JUBB: Objection to the form. 23 A. Please, if you would be so kind as 24 to rephrase it. I believe I understand what</p>

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<p style="text-align: right;">Page 93</p> <p>1 you're trying to ask, but the wording of your</p> <p>2 question doesn't ask what I think you are trying</p> <p>3 to ask. So, please repeat the question.</p> <p>4 Q. Sir, what I want to know is, if</p> <p>5 you're aware of anyone who stopped associating</p> <p>6 with Mr. Ralston because they learned about the</p> <p>7 accusations?</p> <p>8 A. Okay. That wasn't your question,</p> <p>9 I don't believe, and the answer is, no. I</p> <p>10 believe you had changed it.</p> <p>11 Q. Well, you asked me to rephrase it.</p> <p>12 So, I was.</p> <p>13 A. Thank you.</p> <p>14 Q. So, do you know of anyone whose</p> <p>15 relationship with Mr. Ralston has changed</p> <p>16 because they learned about the accusations?</p> <p>17 A. No.</p> <p>18 Q. I think you've already described</p> <p>19 for us how your relationship with Mr. Ralston</p> <p>20 has changed since you've learned about the</p> <p>21 accusations and it was to have a higher opinion</p> <p>22 of him; is that right?</p> <p>23 A. Yes. And even higher admiration</p> <p>24 and opinion.</p>	<p style="text-align: right;">Page 95</p> <p>1 about the various decisions and ingredients that</p> <p>2 go into making the decision and then how it</p> <p>3 might progress forward.</p> <p>4 Q. Okay. So, you talked through the</p> <p>5 issue of filing a lawsuit with Mr. Ralston</p> <p>6 before he made his decision; is that right?</p> <p>7 A. No, I didn't have any input. I</p> <p>8 listened to him talk about the possibility that</p> <p>9 he might initiate, I would call it, a counter</p> <p>10 lawsuit but, of course, remind us that there was</p> <p>11 never any lawsuit against him. Just two letters</p> <p>12 that caused him to be on administrative leave</p> <p>13 and then not be rehired.</p> <p>14 Q. Do you believe that the letters</p> <p>15 caused Mr. Ralston to be put on administrative</p> <p>16 leave and not be rehired is based on what Mr.</p> <p>17 Ralston told you; is that right?</p> <p>18 A. Correct.</p> <p>19 Q. So, when you discussed the lawsuit</p> <p>20 before Mr. Ralston filed the lawsuit, you didn't</p> <p>21 express an opinion about whether he should or</p> <p>22 shouldn't commence the lawsuit, you just</p> <p>23 listened to what he had to say and was</p> <p>24 supportive; is that right?</p>
<p style="text-align: right;">Page 94</p> <p>1 Q. So, you've not stopped associating</p> <p>2 with Mr. Ralston because you learned about the</p> <p>3 accusations; is that right?</p> <p>4 A. Based on an earlier question where</p> <p>5 I say we sometimes speak on the phone more than</p> <p>6 once a day, I believe the answer is, no, our</p> <p>7 relationship has not changed. It's been</p> <p>8 strengthened and communications increased.</p> <p>9 Q. Did you discuss with Mr. Ralston</p> <p>10 his plan to pursue this lawsuit before it was</p> <p>11 pursued?</p> <p>12 A. Did I discuss it with him?</p> <p>13 Q. Yes. Have a communication with</p> <p>14 him, right? Because that's the only way you</p> <p>15 deal with Mr. Ralston, I think you confirmed, is</p> <p>16 over the telephone. So, during any of your</p> <p>17 communications with Mr. Ralston, did you and he</p> <p>18 talk about his plan to file a lawsuit before he</p> <p>19 actually did it?</p> <p>20 A. Yes.</p> <p>21 Q. Well, what did you discuss with</p> <p>22 Mr. Ralston about his plan to file a lawsuit</p> <p>23 before he actually filed the lawsuit?</p> <p>24 A. I merely listened to him talk</p>	<p style="text-align: right;">Page 96</p> <p>1 A. Correct.</p> <p>2 Q. Did Mr. Ralston tell you his</p> <p>3 reason for pursuing a lawsuit when he decided to</p> <p>4 pursue a lawsuit?</p> <p>5 A. Yes.</p> <p>6 Q. Well, what was the reason Mr.</p> <p>7 Ralston told you that he wanted to pursue the</p> <p>8 lawsuit?</p> <p>9 A. That he was doing it for himself,</p> <p>10 but also on behalf of others who are falsely</p> <p>11 accused and, perhaps, don't have the courage to</p> <p>12 follow through and wanted to be an example of</p> <p>13 seeking truth, though, that pursuit of the truth</p> <p>14 might cause tremendous pain, emotional pain to</p> <p>15 himself and others.</p> <p>16 Q. So, before Mr. Ralston commenced</p> <p>17 his lawsuit, he communicated to you that he</p> <p>18 realized that the lawsuit could cause tremendous</p> <p>19 pain to himself and others; is that right?</p> <p>20 A. Oh, he didn't need to tell me</p> <p>21 that. But, over the course of our discussions</p> <p>22 he continued to draw strength from what he said</p> <p>23 early on, and that is, I am doing this on behalf</p> <p>24 of others who, perhaps, don't have the</p>

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<p style="text-align: right;">Page 97</p> <p>1 resources, and I mean that word in its broadest</p> <p>2 definition, financial, spiritual or physical or</p> <p>3 emotional or mental resource in order to carry</p> <p>4 out something of this magnitude.</p> <p>5 And I need to apologize. I need</p> <p>6 another restroom break, if that's okay, and if</p> <p>7 you all don't go anywhere I'll be back in two</p> <p>8 minutes.</p> <p>9 MS. DOUGHERTY: All right. Why</p> <p>10 don't we take until 12:50, five minutes</p> <p>11 so other people can have a break, and</p> <p>12 I'll also look through my notes.</p> <p>13 THE WITNESS: Thank you.</p> <p>14 (Whereupon, a short recess was</p> <p>15 then taken.)</p> <p>16 BY MS. DOUGHERTY:</p> <p>17 Q. Just so I understand, at some</p> <p>18 point prior to when Mr. Ralston commenced his</p> <p>19 lawsuit, he communicated to you that he</p> <p>20 understood that the lawsuit would cause</p> <p>21 tremendous pain for himself and others; is that</p> <p>22 right?</p> <p>23 MR. JUBB: Objection to the form.</p> <p>24 A. It was all an unknown, yet he knew</p>	<p style="text-align: right;">Page 99</p> <p>1 is that right?</p> <p>2 A. Yes.</p> <p>3 Q. I think I wrote it down, maybe I</p> <p>4 misheard, but I thought you also identified</p> <p>5 previously a financial challenge, a financial</p> <p>6 impact. Is that also the case that Mr. Ralston</p> <p>7 communicated to you that there would be some</p> <p>8 financial challenge or financial impact in</p> <p>9 pursuing a lawsuit, or did I misunderstand?</p> <p>10 A. If I said that, I didn't intend</p> <p>11 to. I don't think I said that, no.</p> <p>12 Q. Okay. So, the challenges, at</p> <p>13 least your take away from the discussion, the</p> <p>14 challenges that Mr. Ralston perceived are the</p> <p>15 physical, spiritual, emotional and mental, as it</p> <p>16 relates to his pursuit of the lawsuit; is that</p> <p>17 right?</p> <p>18 A. Yes. The financial challenges</p> <p>19 were already underway when his paid leave ended.</p> <p>20 Q. Okay. So, the financial impact</p> <p>21 you have in mind relates to him being put on</p> <p>22 paid leave and then the non-renewal of his</p> <p>23 contract. Not specifically, for example,</p> <p>24 financial commitment for the lawsuit itself; is</p>
<p style="text-align: right;">Page 98</p> <p>1 it would be extraordinarily challenging. He had</p> <p>2 no knowledge of what shape that difficulty might</p> <p>3 take. He knew it would be challenging.</p> <p>4 Q. And the others you're referring</p> <p>5 to, is that his wife and his sons?</p> <p>6 A. I don't even recall that there</p> <p>7 were any discussions that were that specific.</p> <p>8 Q. But, your take away from the</p> <p>9 discussions was that Mr. Ralston realized that</p> <p>10 there would be some emotional toll, and I think</p> <p>11 you described it as challenges that would be</p> <p>12 associated with his pursuit of the lawsuit</p> <p>13 before he commenced the lawsuit; is that right?</p> <p>14 A. I think I said physical,</p> <p>15 spiritual, emotional and mental challenges, yes.</p> <p>16 Q. Okay. So, Mr. Ralston</p> <p>17 communicated to you or acknowledged to some</p> <p>18 extent, in some way, that he realized he would</p> <p>19 face physical, spiritual, emotional and mental</p> <p>20 challenges if he pursued the lawsuit as a result</p> <p>21 of the lawsuit; is that right?</p> <p>22 A. Yes.</p> <p>23 Q. And he communicated that</p> <p>24 information to you before he filed the lawsuit;</p>	<p style="text-align: right;">Page 100</p> <p>1 that right?</p> <p>2 A. I don't recall us discussing</p> <p>3 finances at all. I simply don't recall it.</p> <p>4 But, yes, when he was no longer receiving his</p> <p>5 salary from the Hill School, his financial</p> <p>6 situation changed dramatically, of course.</p> <p>7 Q. Okay. So, you don't have any</p> <p>8 information, one way or the other, whether Mr.</p> <p>9 Ralston has paid any money towards the</p> <p>10 prosecution of his lawsuit; is that right?</p> <p>11 A. I am confident that he has not.</p> <p>12 Q. And you mentioned that the</p> <p>13 school's lawyer, Mr. Reece, which you identified</p> <p>14 him as Thomas Reece, told Mr. Ralston that he</p> <p>15 should get his own counsel.</p> <p>16 A. Yes.</p> <p>17 Q. Do you know whether Mr. Ralston</p> <p>18 did follow Mr. Reece's advice and retain</p> <p>19 counsel?</p> <p>20 A. Yes.</p> <p>21 Q. Is that the counsel, Mr. Jubb that</p> <p>22 he has in this action, as far as you understand</p> <p>23 it?</p> <p>24 A. Yes.</p>

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1 Q. Do you know whether Mr. Ralston  
2 incurred any expense by retaining a lawyer in  
3 reaction to Mr. Reece's suggestion that he  
4 retain his own counsel?  
5 A. I am not aware of any expense  
6 incurred in regards to legal counsel.  
7 Q. I think you've described some of  
8 it already, but I'm going to ask you if you can  
9 restrict your answers for me. I want to know if  
10 you have detected any emotional reaction from  
11 Mr. Ralston that you attribute to the  
12 accusations as distinct from the lawsuit? If  
13 you're unable to make the distinction, then  
14 please tell me that.  
15 MR. JUBB: I'll just object to the  
16 form.  
17 Q. Do you understand what I'm asking  
18 or do you want me to try to rephrase?  
19 A. No, I do understand. I believe I  
20 understand.  
21 Q. So, I want to know what, if any,  
22 emotional reaction or changes to Mr. Ralston  
23 that you have detected that you attribute  
24 specifically to the accusations as distinct from

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1 the lawsuit.  
2 A. I think that all of the effects  
3 that he has experienced involve the intertwining  
4 of the accusations and the decision to move  
5 forward with a lawsuit, and then moving forward  
6 with the lawsuit. I believe they are not  
7 distinguishable.  
8 Q. Have you detected any physical  
9 changes or impact in Mr. Ralston that you  
10 attribute to the accusations, again, as distinct  
11 from the lawsuit?  
12 MR. JUBB: I'll object to the  
13 form.  
14 A. Negative physical impact?  
15 Q. Well, let's just start with any.  
16 How about any? We talked about emotional. You  
17 said you can't distinguish. So, I want to know  
18 about physical. Have you detected any physical  
19 change in Mr. Ralston that you attribute to the  
20 accusations as distinct from the lawsuit?  
21 A. As I've not seen him in eight  
22 years, I've not seen him in person. I believe  
23 that he has used exercise as a way to take care  
24 of himself physically and emotionally. So, I

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1 think he is in better shape physically.  
2 Q. Okay. So, you've detected a  
3 physical change that you attribute to the  
4 accusations, but consider the physical change a  
5 positive; is that right?  
6 A. It forced him to seek out therapy  
7 in the form of physical activity.  
8 Q. And, do you consider therapy in  
9 the form of physical activity to be positive?  
10 An improvement, I guess.  
11 MR. JUBB: I'll object to the  
12 form.  
13 A. I see the motivation as being  
14 damaging. The origin of the motivation as being  
15 damaging, but the end result being positive  
16 physically.  
17 Q. Has Mr. Ralston told you that he  
18 has suffered from any medical conditions because  
19 of the accusations, again, as distinct from the  
20 lawsuit?  
21 MR. JUBB: Same objection.  
22 A. I'm not aware of any, no.  
23 Q. Has Mr. Ralston told you that he  
24 has suffered any medical condition as a result

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1 of the lawsuit?  
2 MR. JUBB: I'll object.  
3 A. None that I'm aware of.  
4 Q. You mentioned that Mr. Ralston  
5 found a respectful and rather neutral way to  
6 communicate with people who, and you described  
7 it as, knew something was up, because he wasn't  
8 at Hill School events. The respectful and  
9 rather neutral way you had combined was that  
10 something that Mr. Ralston wrote down or that  
11 you and he discussed to come up with --  
12 A. No.  
13 Q. -- like a standard response?  
14 A. That was my characterization, and  
15 those were my words.  
16 May I ask another procedural  
17 question?  
18 Q. Sure.  
19 A. When the plaintiff's attorney  
20 objects, am I supposed to respond in any way?  
21 Q. No. Mr. Jubb's objection is to,  
22 because he's not said otherwise, but his  
23 objection, as I understood them, was to the form  
24 of my question, which means he has, you know, a

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<p style="text-align: right;">Page 105</p> <p>1 quibble with how I formed my question, and it's</p> <p>2 a sign to me that he has that objection, and I</p> <p>3 can rephrase my question or not, but unless he</p> <p>4 says something else, then you can just go ahead</p> <p>5 and answer, and it's really directed to me.</p> <p>6 Like if he has a position other than a form</p> <p>7 objection, he'll say more information. He</p> <p>8 hasn't done that. So --</p> <p>9 A. Okay. But, is that --</p> <p>10 Q. The objection is directed to me.</p> <p>11 A. And, does it go on the deposition?</p> <p>12 Q. It does. So, Mr. Jubb's</p> <p>13 objections will be noted.</p> <p>14 A. I was simply curious.</p> <p>15 Q. Oh, it's fine. And you may have</p> <p>16 noticed that sometimes when he objects I ask a</p> <p>17 different question or I ask a follow-up question</p> <p>18 that's remarkably similar to the prior question</p> <p>19 to try to fix the issue that Mr. Jubb has</p> <p>20 brought to my attention by objecting.</p> <p>21 A. Understood.</p> <p>22 Q. But, it's not directed to you.</p> <p>23 It's directed at me, you know.</p> <p>24 A. Yeah.</p>	<p style="text-align: right;">Page 107</p> <p>1 going to talk to people with whom he used to be</p> <p>2 able to talk openly and freely and warmly with.</p> <p>3 Q. Am I correct, that you listened</p> <p>4 and were supportive when he communicated about</p> <p>5 this issue with you; is that right?</p> <p>6 A. Yes.</p> <p>7 Q. Did you make suggestions on what</p> <p>8 Mr. Ralston might tell people or did you just</p> <p>9 listen?</p> <p>10 A. No, I made no suggestions. I just</p> <p>11 listened.</p> <p>12 MS. DOUGHERTY: Okay. Those are</p> <p>13 all of my questions.</p> <p>14 MR. JUBB: I just have a couple.</p> <p>15 - - -</p> <p>16 EXAMINATION</p> <p>17 - - -</p> <p>18 BY MR. JUBB:</p> <p>19 Q. Mr. Hopkins, you mentioned that</p> <p>20 when you were the dean of students you had</p> <p>21 discussed some sort of supervisory role when Mr.</p> <p>22 Ralston was a dorm parent. Do you recall that</p> <p>23 part of your testimony?</p> <p>24 A. If I said while dean of students,</p>
<p style="text-align: right;">Page 106</p> <p>1 Q. And if Mr. Jubb has questions,</p> <p>2 I'll have the right to do the same thing. Does</p> <p>3 that answer your question?</p> <p>4 A. Yes. And it helps me to know that</p> <p>5 I should, if I remember, at least pause for a</p> <p>6 moment if you were trying to reformulate a</p> <p>7 question.</p> <p>8 Q. It's no problem. It's my job to</p> <p>9 figure it out. You're just here to do your best</p> <p>10 and to tell the truth and to answer my questions</p> <p>11 as best as you can, and not worry about me.</p> <p>12 Just so I'm clear, there wasn't</p> <p>13 like a planned response that Mr. Ralston</p> <p>14 generated to give to people who inquired, you</p> <p>15 know, of him as far as why he wasn't at a Hill</p> <p>16 School event; is that right?</p> <p>17 A. No. I think he had to go through</p> <p>18 the agony of figuring out if and how he might</p> <p>19 communicate with those whom he felt, for his own</p> <p>20 reasons, needed to know what was going on in</p> <p>21 some way, and it was an agonizing process,</p> <p>22 because the need to do it was based on false</p> <p>23 accusations that turned his life upside down and</p> <p>24 required him to have to think about how he was</p>	<p style="text-align: right;">Page 108</p> <p>1 then I misspoke. I was a dean of students, and</p> <p>2 I, perhaps, didn't get through my two major</p> <p>3 roles, four years of dean of students, and then</p> <p>4 seven years as assistant head for student life.</p> <p>5 Residential life, student life. It was in that</p> <p>6 second role during my seven years that I would</p> <p>7 have had supervisory responsibility for all</p> <p>8 dormitory parents, and that included Mr.</p> <p>9 Ralston.</p> <p>10 Q. Okay. And, during that time</p> <p>11 period, do you remember whether or not there was</p> <p>12 ever a process that was in place where the</p> <p>13 students who were living within the dorms had an</p> <p>14 opportunity to, mid semester, mid year, whatever</p> <p>15 temporal time frame you would like, had an</p> <p>16 opportunity to review their dorm parents in any</p> <p>17 way, or bring their evaluation of the dorm</p> <p>18 parents to your attention?</p> <p>19 MS. DOUGHERTY: Objection.</p> <p>20 A. I don't -- I don't recall an</p> <p>21 evaluation of that nature.</p> <p>22 Q. Okay. In terms of your assistant</p> <p>23 head master role -- was it the assistant head</p> <p>24 master or assistant head for student life?</p>



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<p style="text-align: right;">Page 109</p> <p>1 A. Assistant head for student life.</p> <p>2 Q. Okay. Would you in that role --</p> <p>3 A. But, technically, head master, but</p> <p>4 in short, assistant head for student life. It</p> <p>5 doesn't matter, but, yes.</p> <p>6 Q. If there was any issues going on</p> <p>7 in the dorms, would you be the person that,</p> <p>8 whether a student or faculty would bring that to</p> <p>9 your attention?</p> <p>10 A. It would all depend on the nature</p> <p>11 of the issue. If it was disciplinary, involved</p> <p>12 any sort of inappropriate behavior by any of the</p> <p>13 residents within the building, yes. If it was,</p> <p>14 for instance, of an emotional nature, it might</p> <p>15 be referred to the counselor, and that would be</p> <p>16 a confidential referral.</p> <p>17 Q. After the initial letter that was</p> <p>18 sent in this matter, I'll represent to you that</p> <p>19 was around April of 2018. The lawsuit wasn't</p> <p>20 filed until April of 2019. So, prior to the</p> <p>21 filing of any sort of lawsuit, when you were</p> <p>22 speaking with Mr. Ralston, did he ever express</p> <p>23 to you any feelings of emotional distress or</p> <p>24 mental anguish?</p>	<p style="text-align: right;">Page 111</p> <p>1 So, my question is, do you have any knowledge as</p> <p>2 to whether or not Mr. Lehman was the head master</p> <p>3 during Mr. Ralston's first time at the Hill</p> <p>4 School?</p> <p>5 A. He was not the head master when</p> <p>6 Matt spent all of his years as administrator,</p> <p>7 teacher, coach, dorm parent.</p> <p>8 Q. Okay. As far as you can recall,</p> <p>9 within the lines of communication at the school</p> <p>10 when you were there, if there was ever a</p> <p>11 complaint made against a faculty member by the</p> <p>12 student, another faculty member, a parent,</p> <p>13 staff, whatever, would that be something that as</p> <p>14 an assistant head master you would be made aware</p> <p>15 of?</p> <p>16 A. Yes. In fact, I would be the</p> <p>17 point person. I would be the point person in</p> <p>18 handling them.</p> <p>19 MR. JUBB: They're all the</p> <p>20 questions that I have.</p> <p>21 - - -</p> <p>22 EXAMINATION</p> <p>23 - - -</p> <p>24 BY MS. DOUGHERTY:</p>
<p style="text-align: right;">Page 110</p> <p>1 MS. DOUGHERTY: Objection.</p> <p>2 A. Yes.</p> <p>3 Q. Can you describe for us what comes</p> <p>4 to mind?</p> <p>5 A. I think my response earlier was</p> <p>6 that seems obvious to me, there are few more</p> <p>7 damaging, horrific accusations that can be made</p> <p>8 than the abuse of a child. I don't know if it's</p> <p>9 fair to say more so within a school setting, but</p> <p>10 for teachers it certainly is their greatest</p> <p>11 fear, and great care is taken to make sure there</p> <p>12 are no mixed signals. So, to be accused of what</p> <p>13 is at the very core of the trust that must exist</p> <p>14 between adults, whether teaching, coaching, dorm</p> <p>15 parenting, advising, is an absolutely crushing</p> <p>16 thing to happen to an educator.</p> <p>17 Q. Do you know whether or not Mr.</p> <p>18 Lehman had been the head master at the time that</p> <p>19 Matt was in his first appointment with the Hill</p> <p>20 School?</p> <p>21 A. His first employment?</p> <p>22 Q. Right. So, when he was a teacher</p> <p>23 on the faculty at Hill School, at some point he</p> <p>24 departed and then came back to the Hill School.</p>	<p style="text-align: right;">Page 112</p> <p>1 Q. I just want to ask a couple of</p> <p>2 clarifying points about your employment at the</p> <p>3 Hill School.</p> <p>4 So, you were the Dean of Students</p> <p>5 from 1997 to 2001; is that correct?</p> <p>6 A. If that's four school years, yes.</p> <p>7 Q. And then you were the assistant</p> <p>8 head for student life from 2001 to 2008, right?</p> <p>9 A. Correct.</p> <p>10 Q. And, your tenure as Dean of</p> <p>11 Students for the four years, it went from July 1</p> <p>12 to June 30.</p> <p>13 A. June 30.</p> <p>14 Q. So, it was like a fiscal year?</p> <p>15 A. Yes.</p> <p>16 MS. DOUGHERTY: Okay. Those are</p> <p>17 my only follow-up questions. Thank</p> <p>18 you.</p> <p>19 COURT REPORTER: Mr. Jubb, are you</p> <p>20 ordering a copy of the transcript?</p> <p>21 MR. JUBB: I am.</p> <p>22 (Deposition concluded at 1:20</p> <p>23 p.m.)</p> <p>24</p>



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1 C E R T I F I C A T I O N

2

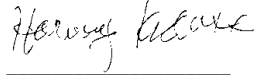
3 I hereby certify that the  
4 proceedings and evidence noted are  
5 contained fully and accurately in the  
6 notes taken by me on the deposition of  
7 the above matter, and that this is a  
8 correct transcript of the same.

9

10

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12



13

HARVEY KRAUSS

14

15 DATE: September 17, 2021

16

17

18

19 (The foregoing certification of  
20 this transcript does not apply to any  
21 reproduction of the same by any means,  
22 unless under the direct control and/or  
23 supervision of the certifying  
24 reporter.)

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

John Doe

Plaintiff

v.

Mitchell Garabedian, Esq., et al.

Defendant

Civil Action No. 2:19-cv-01539-JD

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: The Hill School

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Attachment "A".

Place: The Hill School  
860 Beech Street  
Pottstown, PA 19464

Date and Time:

06/15/2020 10:00 am

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 05/13/2020

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

/s/ Lane R. Jubb, Jr.

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Plaintiff  
, who issues or requests this subpoena, are:

Lane R. Jubb, Jr., Esq., The Beasley Firm, LLC, 1125 Walnut Street, Phila., PA 19107, lane.jubb@beasleyfirm.com

(215) 592-1000

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

1791a

Civil Action No. 2:19-cv-01539-JD

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
 on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
 tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of  
 \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc.:

**Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)****(c) Place of Compliance.**

**(1) For a Trial, Hearing, or Deposition.** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

**(2) For Other Discovery.** A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(g) Contempt.**

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

## **ATTACHMENT "A"**

### **A. Definitions**

**"Document"** includes, but is not limited to, writings, drawings, graphs, charts, photographs, videos, sound recordings, images, and other data or data compilations, stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form, and specifically includes electronically stored information which shall be produced in the form or forms in which it is ordinarily maintained.

**"Kurtis Poulos"** refers to Kurtis Nicholas Poulos, DOB: xx/xx/1978, who graduated from The Hill School in 1997.

**"Mitchell Garabedian"** refers to Mitchell Garabedian, Esquire., Law Offices of Mitchell Garabedian, and/or anyone purporting to act on his behalf.

**"The Hill School"** refers to The Hill School, Beech Street, Pottstown, PA, as well as all current and former officers, agents, employees, and representatives thereof.

### **B. Requested Materials**

1. All documents in your possession, custody, or control that refer and/or related to Kurtis Poulos.
2. All documents in your possession, custody, or control that refer and/or related to Mary Ellen Poulos.
3. All documents in your possession, custody, or control that refer and/or related to any disciplinary action against Kurtis Poulos.
4. All documents in your possession, custody, or control that refer and/or related to any complaints made by Kurtis Poulos, or anyone acting on his behalf (e.g. a family member), against a current or former employee of The Hill School.
5. All documents in your possession, custody, or control that refer and/or related to any complaints made against Kurtis Poulos.
6. The entire academic file of Kurtis Poulos.
7. All student evaluations and/or reports made by The Hill School.
8. All documents in your possession, custody, or control related to Kurtis Poulos' residential assignments and residential evaluations.

- 9.** All letters or correspondence written by Kurtis Poulos, or anyone acting on his behalf (e.g. a family member) to The Hill School.
- 10.** All documents in your possession, custody, or control related to the alumnus file of Kurtis Poulos.
- 11.** All documents in your possession, custody, or control related to any counseling or therapy sought and/or received by Kurtis Poulos while he was a student at The Hill School.
- 12.** All documents in your possession, custody, or control related to any academic writings, chapel talks, and/or admissions essays of Kurtis Poulos.
- 13.** All documents in your possession, custody, or control pertaining to correspondence with Mitchell Garabedian, Esquire.



## UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania



John Doe

*Plaintiff*

v.

Mitchell Garabedian, Mitchell Garabedian, Esq. d/b/a  
Law Offices of Mitchell Garabedian, Kurtis N. Poulos*Defendant*

Civil Action No. 2:19-cv-01539

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To:

Custodian of Records, The Hill School  
860 Beech Street, Pottstown, PA 19464*(Name of person to whom this subpoena is directed)*

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See attached addendum

Place: 860 Beech Street, Pottstown, PA 19464

Date and Time:  
September 3, 2021 at 12:00 p.m.

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 08/25/2021

CLERK OF COURT

OR

*Signature of Clerk or Deputy Clerk**/s/ Candidus K. Dougherty**Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* defendants, Mitchell Garabedian and Mitchell Garabedian d/b/a Law Offices of Mitchell Garabedian, who issues or requests this subpoena, are:

Candidus K. Dougherty, Swartz Campbell LLC, 1650 Market St., Phila., 19103, cdougherty@swartzcampbell.com, 215-299-4296

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 2:19-cv-01539

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
 on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
 tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of  
 \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
 \_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc.:

### **ADDENDUM**

As used in the following requests, the term “documents” shall mean and include any and all emails, letters, correspondence, memoranda, notes, records, work papers, tapes, transcripts, and any and all other written electronic, printed, typed, recorded, transcribed, punched, taped, filmed, or graphic matter of any kind or nature, including all drafts, copies, or reproductions thereof, and including any electronically stored material in your possession or custody, including:

1. Complete personnel file for Matthew Ralston, including but not limited to applications, resumes, payroll records, disciplinary records, medical records, attendance records, memos, notes, correspondence, e-mails, including all records stored electronically and in hard copy form.
2. All documents in your possession, custody, or control that refer and /or relate to Kurtis Poulos.
3. All documents in your possession, custody, or control that refer and/or relate to any disciplinary action against Mary Ellen Poulos.
4. All documents in your possession, custody, or control that refer and/or relate to any disciplinary action against Kurtis Poulos.
5. All documents in your possession, custody, or control that refer and/or relate to any complaints made by Kurtis Poulos, or anyone acting on his behalf (e.g. a family member), against a current or former employee of The Hill School.
6. All documents in your possession, custody, or control that refer and/or relate to any complaints made against Kurtis Poulos.
7. The entire academic file of Kurtis Poulos.
8. All student evaluations and/or reports made by The Hill School.
9. All documents in your possession, custody, or control related to Kurtis Poulos’ residential assignment and residential evaluations.
10. All letters or correspondence written by Kurtis Poulos, or anyone acting on his behalf (e.g. a family member) to The Hill School.
11. All documents in your possession, custody, or control related to the alumnus file of Kurtis Poulos.
12. All documents in your possession, custody, or control related to any academic writings, chapel talks, and/or admissions essays of Kurtis Poulos.
13. All documents in your possession, custody, or control pertaining to correspondence with Mitchell Garabedian, Esquire.

14. All documents requested by plaintiff or plaintiff's counsel.
15. All documents produced to plaintiff or plaintiff's counsel.
16. All correspondence with Lane Jubb regarding Matthew Ralston.

**Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)****(c) Place of Compliance.**

**(1) For a Trial, Hearing, or Deposition.** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

**(2) For Other Discovery.** A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(g) Contempt.**

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

---

JOHN DOE,	:	
	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	
	:	
MITCHELL GARABEDIAN, ESQUIRE, et al,	:	NO. 2:19-cv-01539
	:	
Defendants.	:	
	:	

---

**NOTICE OF INTENT TO SERVE SUBPOENA TO PRODUCE DOCUMENTS,  
INFORMATION, OR OBJECTS PURSUANT TO RULE 45(a)(4)**

Defendants, Mitchell Garabedian, Esquire and Mitchell Garabedian, Esquire d/b/a Law Offices of Mitchell Garabedian, by and through counsel, Swartz Campbell LLC, intend to serve a subpoena directed to The Hill School identical to the subpoena attached to this notice.

Respectfully submitted,

/s/ Candidus K. Dougherty  
Jeffrey B. McCarron  
Candidus K. Dougherty  
SWARTZ CAMPBELL LLC  
One Liberty Place, 38th Floor  
1650 Market Street  
Philadelphia, PA 19103  
Phone (215) 299-4296  
Fax (215) 299-4301  
cdougherty@swartzcampbell.com

Dated: August 9, 2021



**CERTIFICATE OF SERVICE**

I, Candidus K. Dougherty, Esquire, hereby certify that a true and correct copy of the foregoing notice of intent to serve subpoena by defendants, Mitchell Garabedian, Esquire and Mitchell Garabedian, Esquire d/b/a Law Offices of Mitchell Garabedian was served upon counsel of record and the following parties by electronic service by email on August 9, 2021:

James E. Beasley, Jr.  
Lane R. Jubb, Jr.  
Louis Tumolo  
The Beasley Firm, LLC  
1125-35 Walnut Street  
Philadelphia, PA 19107  
215-592-1000  
215-592-8360 (fax)  
lane.jubb@beasleyfirm.com

Kurtis N. Poulos  
3239 W. Colony Drive  
Milwaukee, WI 53221  
lex101078@gmail.com

/s/ Candidus K. Dougherty  
CANDIDUS K. DOUGHERTY

## UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania



John Doe

*Plaintiff*v.  
Mitchell Garabedian, Mitchell Garabedian, Esq. d/b/a  
Law Offices of Mitchell Garabedian, Kurtis N. Poulos*Defendant*

Civil Action No. 2:19-cv-01539

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To:

Custodian of Records, The Hill School  
860 Beech Street, Pottstown, PA 19464*(Name of person to whom this subpoena is directed)*

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See attached addendum

Place: 860 Beech Street, Pottstown, PA 19464

Date and Time:  
August 25, 2021 at 12:00 p.m.

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 08/09/2021

CLERK OF COURT

OR

*Signature of Clerk or Deputy Clerk**/s/ Candidus K. Dougherty**Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* defendants, Mitchell Garabedian and Mitchell Garabedian d/b/a Law Offices of Mitchell Garabedian, who issues or requests this subpoena, are:

Candidus K. Dougherty, Swartz Campbell LLC, 1650 Market St., Phila., 19103, cdougherty@swartzcampbell.com, 215-299-4296

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 2:19-cv-01539

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
 on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
 tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of  
 \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc.:

**Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)****(c) Place of Compliance.**

**(1) For a Trial, Hearing, or Deposition.** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

**(2) For Other Discovery.** A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
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**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(g) Contempt.**

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

### **ADDENDUM**

As used in the following requests, the term “documents” shall mean and include any and all emails, letters, correspondence, memoranda, notes, records, work papers, tapes, transcripts, and any and all other written electronic, printed, typed, recorded, transcribed, punched, taped, filmed, or graphic matter of any kind or nature, including all drafts, copies, or reproductions thereof, and including any electronically stored material in your possession or custody, including:

1. Complete personnel file for Matthew Ralston, including but not limited to applications, resumes, payroll records, disciplinary records, medical records, attendance records, memos, notes, correspondence, e-mails, including all records stored electronically and in hard copy form.
2. All documents in your possession, custody, or control that refer and /or relate to Kurtis Poulos.
3. All documents in your possession, custody, or control that refer and/or relate to any disciplinary action against Mary Ellen Poulos.
4. All documents in your possession, custody, or control that refer and/or relate to any disciplinary action against Kurtis Poulos.
5. All documents in your possession, custody, or control that refer and/or relate to any complaints made by Kurtis Poulos, or anyone acting on his behalf (e.g. a family member), against a current or former employee of The Hill School.
6. All documents in your possession, custody, or control that refer and/or relate to any complaints made against Kurtis Poulos.
7. The entire academic file of Kurtis Poulos.
8. All student evaluations and/or reports made by The Hill School.
9. All documents in your possession, custody, or control related to Kurtis Poulos’ residential assignment and residential evaluations.
10. All letters or correspondence written by Kurtis Poulos, or anyone acting on his behalf (e.g. a family member) to The Hill School.
11. All documents in your possession, custody, or control related to the alumnus file of Kurtis Poulos.
12. All documents in your possession, custody, or control related to any academic writings, chapel talks, and/or admissions essays of Kurtis Poulos.
13. All documents in your possession, custody, or control pertaining to correspondence with Mitchell Garabedian, Esquire.

14. All documents requested by plaintiff or plaintiff's counsel.
15. All documents produced to plaintiff or plaintiff's counsel.
16. All correspondence with Lane Jubb regarding Matthew Ralston.



**EXHIBIT****Poulos 1**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>JOHN DOE</b>	:	
	:	
<b>Plaintiff</b>	:	
	:	
<b>v.</b>	:	<b>NO: 2:19-cv-01539-JD</b>
	:	
<b>MITCHELL GARABEDIAN, ESQ., et al.</b>	:	
	:	
<b>Defendants.</b>	:	
	:	

**ORDER**

AND NOW, this 18th day of March, 2021, upon consideration of the Motion by Plaintiff to Compel Miscellaneous Discovery of Defendant Poulos and any Response thereto, it is hereby ORDERED and DECREED that Plaintiff's Motion is GRANTED.

(1) IT IS FURTHER ORDERED that Defendant Poulos shall "identify, by first and last name, any and all persons who were in his Geometry class for the 1994-1995 school year," by December 21, 2020, as previously ordered by this court. Failure to comply shall result in sanctions.

(2)" IT IS FURTHER ORDERED that Defendant Poulos shall provide verified" responses with the production of documents responsive to Plaintiff's 28 August 2020 Discovery Requests.

(3)" IT IS FURTHER ORDERED that Defendant Poulos shall appear for a continuation" of his deposition to answer questions from Plaintiff's Counsel, limited to the area of his discussions and communications with Defendant Garabedian.

D[ "VJ G'EQWTV<" "

/s/ **Hon. Jan E. DuBois**

\_\_\_\_\_  
The Honorable Jan E. DuBois

" " " " " " "

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**JOHN DOE**  
Ohio, 43016  
c/o 1125 Walnut Street  
Philadelphia, PA 19107

**Plaintiff**

vs.

**MITCHELL GARABEDIAN, ESQ.**  
100 State Street, 6<sup>th</sup> Floor  
Boston, MA 02109

**And**

**MITCHELL GARABEDIAN, ESQ**  
**d/b/a LAW OFFICES OF**  
**MITCHELL GARABEDIAN**  
100 State Street, 6<sup>th</sup> Floor  
Boston, MA 02109

**and**

**KURTIS N. POULOS**  
3239 W. Colony Drive  
Milwaukee, WI 53221

**Defendants.**

**CIVIL COMPLAINT**

**NO: 2:19-cv-01539**

**JURY TRIAL DEMANDED**

**SECOND AMENDED COMPLAINT**

**I. INTRODUCTION**

This case stems from the Defendants' outrageous scheme, where they falsely accused Plaintiff of deplorable conduct in order to extort a quick contingent fee and monetary payoff. They published these statements to Plaintiff's supervisors and peers, which caused irreparable damage to the reputation he held amongst his colleagues and the boarding school community that he has served for over twenty-five years.

## II. PARTIES

1. Plaintiff John Doe is an adult individual and private figure who is a citizen of, and domiciled in, Ohio, with a principal place of business in Montgomery County, Pennsylvania.<sup>1</sup>

2. Defendant Mitchell Garabedian, Esquire (hereafter, “Garabedian”) is an adult individual who is a citizen of, and domiciled in, Massachusetts with a principal place of business at the above captioned address.

3. Defendant Mitchell Garabedian, Esquire d/b/a Law Offices of Mitchell Garabedian, is a sole proprietorship, domiciled in Massachusetts with a principal place of business at the above captioned address.

4. At all times pertinent hereto, no other entity other than Defendant Garabedian employed the associates, paralegals, or legal staff at his law practice.

5. Defendant Garabedian and his sole proprietorship, “Law Offices of Mitchell Garabedian” are collectively referred to as “The Garabedian Defendants.” The “Garabedian Defendants” shall also mean and refer to their employees, including any associates, paralegals, and/or legal staff.

6. The Garabedian Defendants are responsible for the acts and omissions of their employees, servants, and agents identified and described in this Complaint as well as those identified through discovery.

7. Defendant Kurtis N. Poulos (“Poulos”) is an adult individual who is a citizen of, and domiciled in, Wisconsin.

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<sup>1</sup> Plaintiff’s identity is pled as a pseudonym due to Plaintiff’s fear of severe harm, which is reasonable in light of the social climate in which this suit is brought. *Doe v. Megless*, 654 F.3d 404, 408, (3d. Cir. 2011). Plaintiff is a private figure and disclosure of Plaintiff’s identity would not promote any public interest. See, *Doe v. Unum Life Ins. Co. of Am.*, 2014 U.S. Dist. LEXIS 54821 (E.D. Pa. 2014).

8. Each and every defendant is liable for the acts of its agents, servants, and/or employees.

### **III. JURISDICTION AND VENUE**

9. This Court has subject matter jurisdiction in this case pursuant to 28 U.S.C. § 1332. The Defendants are citizens of states other than which the Plaintiff is a citizen. The amount in controversy substantially exceeds the requirement for Federal Diversity Jurisdiction and to guarantee a jury trial, exclusive of interest and costs. The Defendants are citizens of states other than the states in which the Plaintiff resides.

10. This Court has jurisdiction over the parties because the Defendants targeted their specific statements, publications, and tortious conduct at issue in this action directly toward and in Montgomery County, Pennsylvania.

11. Venue is proper pursuant to 28 U.S.C. § 1391 because all Defendants are subject to the Court's personal jurisdiction with respect to the civil action in question. The Defendants published their defamatory statements at Plaintiff's principal place of business, a private school in Montgomery County, Pennsylvania ("Plaintiff's School" or "The School") where they targeted their unlawful scheme.

### **IV. FACTS**

12. Plaintiff has been an educator, coach, dorm parent, administrator, and figure within his School community in Pennsylvania for over twenty-five (25) years, where he earned and maintained the highest esteem, respect, and gratitude of his supervisors, colleagues, students, and alumni.

13. Shortly after joining his School in 1992, Plaintiff's skill and dedication as an educator quickly elevated him through the ranks of faculty and endeared him to students and alumni.

14. In the fall of 2009, Plaintiff accepted a head of school position at another private school in order to continue his professional endeavors in education. During this time as headmaster at another school, Plaintiff continued to maintain his relationships with former students, faculty, and alumni from his School in Pennsylvania, even attending class reunions and graduations.

15. In July, 2016, Plaintiff returned to his School in Pennsylvania in a role where he helped generate capital gifts through the longstanding relationships he built and maintained with School alumni over his longstanding and successful career.

16. Sometime prior to Plaintiff Doe's return to his School (i.e. July, 2016), Defendant Poulos sought out Defendant Garabedian to assist him with a fraudulent scheme to extort money from Plaintiff's School.<sup>2</sup>

17. On April 11, 2018, the Garabedian Defendants sent a letter to the headmaster of Plaintiff's school and falsely stated that Plaintiff engaged in abhorrent conduct with a minor (identified as Defendant Poulos) twenty-five (25) years ago. A redacted copy of the April 11, 2018 letter is attached hereto as Exhibit "A."

18. The Defendants statements in the April 11, 2018 letter were published as fact – not even as allegations, let alone opinions – even going so far to claim their statements were:

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<sup>2</sup> See, ¶¶ 7-8 of Defendant Poulos' *Pro Se* Motion to Dismiss Plaintiff's Complaint ("...at the time of the communication with Attorney Garabedian this teacher was no longer at 'HIS school community'... The teacher I talked about with Attorney Garabedian **was at the time The Head of School at a different institution** than the one I attended") (Emphasis added). Dkt. at 19.

only meant to briefly touch the surface of the relevant facts.

19. The Defendants demanded \$1,000,000.00 “for settlement” of Defendant Poulos’ purported “claim,” with the intent that Plaintiff and The School would fear the mere filing of any lawsuit, despite its complete lack of merit, substantively, in addition to which it would obviously be time-barred.

20. At no time prior to publishing this letter and making these false defamatory statements did the Garabedian Defendants perform any investigation as to Defendant Poulos’ statements.

21. In response to the Defendants April, 2018 letter, a prominent third-party law firm in Philadelphia was retained and commenced an investigation into the matter.

22. Despite numerous requests by phone, letter, and email, for additional information about the purported claims, the Garabedian Defendants did not respond for over seven (7) months.

23. On December 26, 2018, the Garabedian Defendants published another letter setting forth further false abhorrent statements against Plaintiff. A redacted copy of this letter is attached hereto as Exhibit “B.”

24. The December letter contained substantive and typographical errors. It also changed the timeframe the purported conduct was said to have occurred when compared to the April letter.

25. At the same time, the Garabedian Defendants sought to obtain Defendant Poulos’ school records, by written authorization. In other words, the Garabedian Defendants made their outrageous claims without even obtaining the readily available



school records of their own client; records that would have shown Poulos' claims to be false.

26. Per Defendant Poulos, the Garabedian Defendants never even asked Defendant Poulos to review either the April or December, 2018 letter to confirm their accuracy.<sup>3</sup>

27. The third-party investigators made numerous requests to the Garabedian Defendants – for *even just a returned phone call or acknowledgement* – in order to move their investigation forward. The Garabedian Defendants never responded.

28. The School also made numerous requests to the Garabedian Defendants to move its own review forward. The Garabedian Defendants never responded.

29. Finally, having not heard from the Defendants in months, the School sent the Defendants a final notice; if they did not contact the School or third-party investigators by March 1, 2019, the School would assume the Defendants were not serious about pursuing the statements of fact they made against Plaintiff in their previous publications.

30. Once again, the Garabedian Defendants never responded.

31. The accusations made and published by the Defendants were – and are – completely false.

32. At no time in his career has Plaintiff Doe ever had inappropriate contact with a student.

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<sup>3</sup> See, ¶ 9 of Defendant Poulos' *Pro Se* Motion to Dismiss Plaintiff's Complaint ("Prior to the receipt of the Complaint ***I had never seen the letters*** on my behalf by Attorney Garabedian to my former school.") (Emphasis added). Dkt. at 19.

33. Prior to Defendants' letters, Doe was never accused of having had inappropriate contact with a student – nor have any other claims or accusations been made since.

34. Defendants knew that Doe had never before been accused of having had inappropriate contact with a student.

35. The Garabedian Defendants knew or should have known that allegations of abhorrent conduct with a minor would be catastrophic to the reputation of the accused and are *per se* defamatory.

36. At the time the Defendants made their outrageous statements against Plaintiff and their demand for money, they knew Pennsylvania's statute of limitations would apply to any claim and that it required any civil action be brought within "12 years after [Poulos] attain[ed] 18 years of age," i.e. before his thirtieth (30<sup>th</sup>) birthday. 42 Pa. C.S.A. § 5533(b)(2)(i).

37. The Defendants stated that Poulos was "currently 39 years of age" in their April 11, 2018 letter.

38. Thus, the Defendants knew that any possible claim (even putting aside the complete lack of substantive merit) *was barred by Pennsylvania's statute of limitations by more than nine (9) years.* <sup>4</sup>

39. Furthermore, despite demanding a million dollars *from the school*, the Garabedian Defendants made no statement of fact or allegation that would give rise to a claim against *the school* for Plaintiff's purported conduct; there were no claims of

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<sup>4</sup> The Defendants also knew any lawsuit would be barred by the statute of limitations in Plaintiff's home state (Ohio) by more than nine (9) years and also barred by Defendant Poulos' home state (Wisconsin) by more than four (4) years.

notice, inadequate supervision, or that Doe was acting in the course and scope of his employment.

40. The Defendants statements were not an attempt to compromise any valid or potential legal claim.

41. The Defendants never actually intended to file suit; a suit they *knew* to be unsustainable, meritless, and fatally deficient under the law.

42. The Defendants' statements were not for purposes of "settlement" of any claims because they knew no remotely viable claims existed.

43. Rather, the Defendants' improper purpose of their publications was to cause Plaintiff maximum emotional harm – and his most respected school a potential PR nightmare – in hopes of leveraging, by false and extortionate demands, a quick payout and contingency fee.

44. The Defendants sought to obtain that \$1,000,000 from the school, with the school's consent, induced by the Defendants wrongful use of actual fear and under the color of official right.

45. Plaintiff earned and maintained a reputation as a pillar of truth, honesty, justice, and good repute within his community – and he fought for whatsoever things would come from that virtuous pursuit; he taught thousands of others to do the same.

46. As a direct and proximate result of the Defendants' malicious, outrageous, intentional and otherwise reckless conduct, the Plaintiff has suffered immeasurable harm to his personal and professional reputation and name, and significant embarrassment, humiliation, emotional turmoil, distress, and physical manifestations thereof, which will continue into the foreseeable future, and which damages are well in excess of the jurisdictional requisite.

## **V. THEORIES OF LIABILITY AND CAUSES OF ACTION**

### **COUNT ONE**

#### **PLAINTIFF v. THE GARABEDIAN DEFENDANTS**

##### **DEFAMATION**

47. Plaintiff incorporates the above paragraphs by reference.

48. The Garabedian Defendants' statements and letters were publications concerning Plaintiff.

49. The Garabedian Defendants fully anticipated, knew, or should have known that the contents of their letter would foreseeably be distributed to other individuals within the school community, more than simply the headmaster to whom it was addressed, which did in fact occur.

50. The Garabedian Defendants fully anticipated this letter would be distributed to the School's governing bodies, including the Board of Trustees (comprised of school alumni and parents of alumni), faculty oversight groups, and human resources, which did in fact occur.

51. The Garabedian Defendants knew or should have known that the contents of their letter would foreseeably follow the Plaintiff everywhere, to any other academic community, and that Plaintiff would have to disclose the content of those letters in countless scenarios, ensuring emotional harm through the remainder of his life.

52. The Defendants' statement, contained in the April 11, 2018 letter, that Defendant Poulos "was repeatedly sexually molested by [Plaintiff Doe]" is false and defamatory.

53. Any statement or implication that Plaintiff Doe caused harm to Defendant Poulos is false and defamatory including, without limitation:

a) ¶ 3, in its entirety, of the April, 2018 letter attached as Exhibit "A;" and

b) ¶ 6, in its entirety, of the December, 2018 letter attached as Exhibit “B.”

54. Any inference, innuendo, or implication that Plaintiff Doe had any contact with Defendant Poulos that was inappropriate or sexual in nature, at any time, is also completely false and defamatory *per se*.

55. Each and every statement published by the Defendants pertaining to or describing inappropriate or sexual conduct by Plaintiff Doe, in either the April 11 or December 26, 2018 publications, is false and defamatory *per se*.

56. The Garabedian Defendants’ statements, identified above and attached hereto, are defamatory *per se* where there could be no greater charge levied against an educator who has dedicated his life to his school and his students’ well-being.

57. The Garabedian Defendants advertise themselves as nationally recognized advocates for victims of child abuse and are readily aware of the Statute of Limitations and *prima facie* elements of intentional torts and vicarious liability.

58. The Garabedian Defendants never actually intended to file a suit; they *knew* any suit was unsustainable, meritless, and fatally deficient under the law both substantively and procedurally.

59. The Garabedian Defendants knew Poulos had never before reported or claimed, to the School or anyone else, any sexual or otherwise improper conduct by Plaintiff.

60. The Garabedian Defendants knew the School had never received a complaint against Plaintiff Doe by Poulos or anyone else.

61. The Garabedian Defendants knew there was no concealment or cover-up of any prior complaints or claims against Plaintiff Doe.

62. The Garabedian Defendants knew there was no confidential relationship between Poulos and the School or Plaintiff Doe.

63. Nowhere in either the April or the December, 2018 letters do the Garabedian Defendants assert (1) any prior complaint to the School; (2) any mishandling of a past claim; (3) any intentional concealment of a claim; (4) any false statement; or (5) any fact whatsoever that would give rise to a *prima facie* case against the School.

64. The Garabedian Defendants never intended “to settle” any potential claim for fraud or fraudulent concealment. If he had, he would have asserted such facts in his letters for the School to actually consider the potential merits – albeit none existed.

65. The Garabedian Defendants never intended to file any suit.

66. The Garabedian Defendants had an improper motive for their publications, which were motivated by malice to leverage the fear of the statements being published for a quick extortionate payout.

67. The Defendants published the statements without reasonable cause before doing any preliminary investigation – even so much as reviewing Poulos’ easily accessible school records and in the other respects as averred above – and rather deliberately chose to turn a blind eye to the truth.

68. In fact, even a minimal investigation would have confirmed the falsity of their malicious statements.

69. Additionally, the Garabedian Defendants knew of Poulos’ criminal background, which included numerous fraudulent schemes and past victims in multiple jurisdictions.



70. As a direct and proximate result of the Garabedian Defendants' malicious, outrageous, intentional and otherwise reckless conduct and publications, Plaintiff has suffered the harm previously set forth herein, which will continue into the future.

**WHEREFORE**, Plaintiff hereby demands damages from the Garabedian Defendants in an amount significantly in excess of the jurisdictional limit for a jury trial, plus costs, delay damages, punitive damages, and such other relief as this Honorable Court deems just and appropriate.

**COUNT TWO**  
**PLAINTIFF v. THE GARABEDIAN DEFENDANTS**  
**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

71. Plaintiff incorporates the above paragraphs by reference.

72. The Garabedian Defendants' conduct and motives were outrageous, malicious, beyond all possible bounds of decency, and intolerable in a civilized community – especially that of the legal profession in this or any Commonwealth or State.<sup>5</sup>

73. The Garabedian Defendants' conduct was intended to cause and/or otherwise recklessly caused Plaintiff to suffer the severe emotional distress that he has in fact suffered.

74. The Garabedian Defendants knew that any claim against Plaintiff was false, meritless, and woefully deficient but still sought to inflict in Plaintiff the fear and emotional distress of being accused of such conduct in a public filing.

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<sup>5</sup> Plaintiff incorporates his Certificates of Merit (Dkt. No. 5, 6) as if fully set forth at length herein. Plaintiff attaches this standard language certificate to pre-empt any such defense that one would be required to plead a claim against an attorney. Plaintiff's claim of intentional infliction of emotional distress is *not* based on any advice Defendant Garabedian gave Defendant Poulos, in good faith, but rather Garabedian's *intent* to harm Plaintiff directly.

75. The Garabedian Defendants sought to leverage the severe emotional distress of Plaintiff (which they intended to inflict) in order to extortionately strip a quick contingency fee from a false and patently frivolous “claim” that was most egregious in nature.

76. As a direct and proximate result of the Garabedian Defendants’ outrageous, atrocious and utterly intolerable conduct, Plaintiff has and will continue to suffer those damages previously set forth as well as severe emotional distress, which has physical manifestations including, but not limited to, nausea, stomach sickness, nightmares, lethargy, and which foreseeably requires medical care.

77. The Garabedian Defendants knew that the contents of their letter would follow the Plaintiff everywhere, to any other academic community, and that Plaintiff would have to disclose the content of those letters in countless scenarios, exacerbating his emotional distress into the future.

**WHEREFORE**, Plaintiff hereby demands damages from the Garabedian Defendants in an amount significantly in excess of the jurisdictional limit for a jury trial, plus costs, delay damages, punitive damages, and such other relief as this Honorable Court deems just and appropriate.

**COUNT THREE**  
**PLAINTIFF v. KURTIS N. POULOS**  
**DEFAMATION**

78. Plaintiff incorporates the above paragraphs by reference.

79. Defendant Poulos’ statements of and concerning Plaintiff, are entirely, wholly, and completely false.

80. Defendant Poulos’ statement, contained in the April 11, 2018 letter, that he “was repeatedly sexually molested by [Plaintiff Doe]” is false and defamatory.

81. Any statement, inference, innuendo, or implication that Plaintiff Doe had any contact with Defendant Poulos that was inappropriate or sexual in nature, is also completely false and defamatory *per se*.

82. Each and every statement published by the Defendants pertaining to or describing inappropriate or sexual conduct by Plaintiff Doe, in either the April 11 or December 26, 2018 publications attached hereto, is false and defamatory *per se*.

83. Any statement or implication that Plaintiff Doe caused harm to Defendant Poulos is false and defamatory including, without limitation:

- a) ¶ 3, in its entirety, of the April, 2018 letter attached as Exhibit “A,” and
- b) ¶ 6, in its entirety, of the December, 2018 letter attached as Exhibit “B.”

84. Defendant Poulos’ statements, identified above and attached hereto, are defamatory *per se* where there could be no greater charge levied against an educator who has dedicated his life to his school and his students’ well-being.

85. Defendant Poulos knew his statements of and concerning Plaintiff were false and that any suit was unsustainable, meritless, and fatally deficient under the law.

86. Defendant Poulos knew he had never before reported, to the School or anyone else, any sexual or otherwise improper conduct by Plaintiff.

87. Defendant Poulos knew his former School had never received any complaint against Plaintiff Doe for improper conduct with a student.

88. Defendant Poulos knew there was no concealment or cover-up of any prior complaint or claim against Plaintiff Doe.

89. Defendant Poulos knew that any claim that he was harmed by Plaintiff was false.

90. Defendant Poulos knew or should have known that the contents of the letters sent on his behalf would foreseeably follow Plaintiff everywhere, to any other academic community, and that Plaintiff would be forced to disclose the content of those letters in countless scenarios, exacerbating his emotional damages into the future.

91. Defendant Poulos intended for his statements to be disseminated to Plaintiff's School community, which did then occur.

92. Defendant Poulos had an improper motive for his false statements levied against Plaintiff, which were motivated by malice to leverage a quick extortionate payout.

93. As a direct and proximate result of Defendant Poulos' malicious, outrageous, intentional and otherwise reckless conduct and publications, Plaintiff has suffered the harm previously set forth herein, which will continue into the future.

**WHEREFORE**, Plaintiff hereby demands damages from Defendant Poulos in an amount in excess of the jurisdictional limit for a jury trial, plus costs, delay damages, punitive damages, and such other relief as this Honorable Court deems just and appropriate.

**COUNT FOUR**  
**PLAINTIFF v. KURTIS N. POULOS**  
**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

94. Plaintiff incorporates the above paragraphs by reference.

95. Defendant Poulos used his prior experience in fraud and intentional emotional harm – readily apparent from his criminal records in several states (also disregarded by the Garabedian Defendants) – to concoct a scheme to unlawfully obtain financial gain under the guise of a victim of sexual abuse; truly repulsive.

96. Defendant Poulos' conduct and motives were outrageous, malicious, beyond all possible bounds of decency, and intolerable in a civilized community.

97. Defendant Poulos intended to cause and/or otherwise recklessly caused Plaintiff to suffer the severe emotional distress that he has in fact suffered.

98. Defendant Poulos knew any claim against Plaintiff was false, meritless, and woefully deficient but still sought to inflict in Plaintiff the fear and emotional distress of being accused of such conduct in a public filing.

99. Defendant Poulos sought to leverage the severe emotional distress of Plaintiff (which he intended to inflict) – and the potential PR nightmare from his most respected School – in order to extortionately obtain financial gain from a false and patently frivolous claim that was most egregious in nature.

100. As a direct and proximate result of Defendant Poulos' outrageous, atrocious and utterly intolerable conduct, Plaintiff has and will continue to suffer those damages previously set forth as well as severe emotional distress, which has physical manifestations including, but not limited to, nausea, stomach sickness, nightmares, lethargy, and which foreseeably requires medical care.

**WHEREFORE**, Plaintiff hereby demands damages from Defendant Poulos in an amount significantly in excess of the jurisdictional limit for a jury trial, plus costs, delay damages, punitive damages, and such other relief as this Honorable Court deems just and appropriate.

**NOTICE OF PRESERVATION OF EVIDENCE**

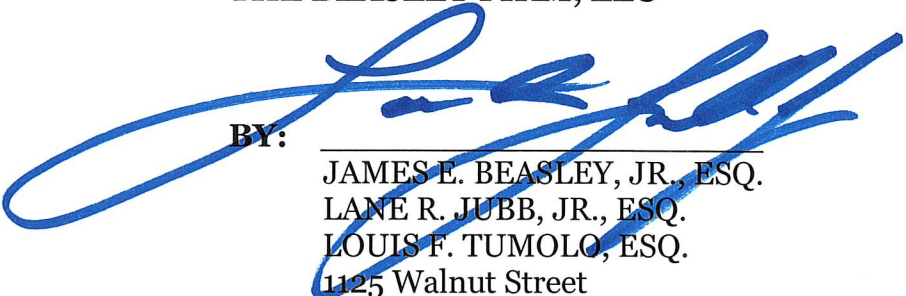
PLAINTIFF HEREBY DEMANDS AND REQUESTS THAT DEFENDANTS TAKE NECESSARY ACTION TO ENSURE THE PRESERVATION OF ALL DOCUMENTS, COMMUNICATIONS, WHETHER ELECTRONIC OR OTHERWISE, ITEMS AND THINGS IN THE POSSESSION OR CONTROL OF ANY PARTY TO THIS ACTION, OR ANY ENTITY OVER WHICH ANY PARTY TO THIS ACTION HAS CONTROL, OR FROM WHOM ANY PARTY TO THIS ACTION HAS ACCESS TO, ANY DOCUMENTS, ITEMS, OR THINGS WHICH MAY IN ANY MANNER BE RELEVANT TO OR RELATE TO THE SUBJECT MATTER OF THE CAUSES OF ACTION AND/OR THE ALLEGATIONS OF THIS COMPLAINT.

**DEMAND FOR JURY TRIAL**

Plaintiff demands a jury trial.

**THE BEASLEY FIRM, LLC**

**BY:**



JAMES E. BEASLEY, JR., ESQ.  
LANE R. JUBB, JR., ESQ.  
LOUIS F. TUMOLO, ESQ.  
1125 Walnut Street  
Philadelphia, Pa 19107  
215.592.1000  
215.592.8360 (fax)  
*Attorneys for Plaintiff*

Date: 20 June 2019



## **EXHIBIT “A”**

LAW OFFICES  
OF  
MITCHELL GARABEDIAN

MITCHELL GARABEDIAN  
WILLIAM H. GORDON  
NATHAN A. GAUL  
SALVATORE M. GIULLA  
DANIEL R. MAHONEY  
LEAH BRADY  
MIRRA L. CAMPBELL

100 STATE STREET, 8TH FLOOR  
BOSTON, MASSACHUSETTS 02109

(617) 528-6250  
FAX (617) 528-9887

April 11, 2018

[REDACTED]  
Headmaster  
[REDACTED] School  
[REDACTED]  
Pottstown, PA 19464

Re: Sexual Abuse Claim of Kurtis Nicholas Poulos

Dear Mr. [REDACTED]

Please be informed that this office represents Kurtis Nicholas Poulos. This letter is an attempt to settle and compromise claims involving [REDACTED] (hereinafter "[REDACTED]") and [REDACTED]'s supervisors at [REDACTED] School. It should not be used as evidence in any court hearing.

Kurtis Nicholas Poulos, currently 39 years of age, was repeatedly sexually molested by [REDACTED] from approximately 1993 when he was approximately 15 years of age until approximately 1995 when he was approximately 17 years of age. During relevant times, [REDACTED] was assigned to or affiliated with [REDACTED] School in Pottstown, Pennsylvania while Mr. Poulos was enrolled and attended school at [REDACTED] School.

As a result of being sexually molested by [REDACTED], Mr. Poulos's injuries include, but are not limited to, depression; sadness; crying; anxiety; emotional pain; sleep problems; concentration problems; low self-esteem; low self-respect; low self-confidence; apathy, finding himself not caring about things; not caring about his grades or his future while he attended [REDACTED] School; turned to drugs and alcohol to cope with the emotional pain; self-sabotaging the good things in his life; flashbacks and reminders; feeling broken and unfixable; sexuality problems such as being oversexed at times; problems with being touched; self-harm; feeling alone and isolated; feeling ostracized while he was at school; shame; embarrassment; guilt; self-blame; trust problems; intimacy problems; losing a dangerous amount of weight while at [REDACTED] School

LAW OFFICES  
OF  
MITCHELL GARABEDIAN

██████████  
April 11, 2018  
Page 2 of 2

because he did not feel like eating; suicidal ideation; creation of an emotional void in him; anger; confusion; feeling that ██████████ ruined a part of his life; feeling that ██████████ sent him down the wrong road in life; and feeling that ██████████ stole his childhood innocence.

The aforementioned brief description is in no way meant to be exhaustive in its detail, but is only meant to briefly touch the surface of the relevant facts. The case is subject to substantive changes at any given time given the sensitive nature of the case.

Mr. Poulos's demand for settlement is \$1,000,000.00.

I await your response.

Thank you.

Very truly yours,

MG

Mitchell Garabedian

## EXHIBIT “B”

Dec 26 2018 04:51PM Mitchell Garabedian Law 6175233687

page 2

LAW OFFICES  
OF  
MITCHELL GARABEDIAN

MITCHELL GARABEDIAN  
WILLIAM H. GORDON  
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DANIEL R. MAHONEY  
MIRRA L. CAMPBELL

100 STATE STREET, 6TH FLOOR  
BOSTON, MASSACHUSETTS 02109

(617) 523-6280  
FAX (617) 523-3687

December 26, 2018

VIA FAX ([REDACTED])  
AND FIRST CLASS MAIL



Norristown, PA 19404

Re: Sexual Abuse Claim of Kurtis Nicholas Poulos

Dear [REDACTED]

As you know, this office represents Kurtis Nicholas Poulos with regard to his sexual abuse claim involving [REDACTED] and [REDACTED] supervisors at [REDACTED] School.

During our telephone conversation regarding this matter on December 21, 2018, you requested additional information about Mr. Poulos's sexual abuse claim. Pursuant to your request, and in further support of Mr. Poulos's claim, Mr. Poulos provides the following information:

Kurtis Nicholas Poulos (DOB [REDACTED]) met [REDACTED] during Mr. Poulos's freshman year at [REDACTED] School in approximately 1993 or approximately 1994 when Mr. Poulos was approximately 14 or approximately 15 years old. [REDACTED] served as a table master in the dining hall and Mr. Poulos had a rotation at [REDACTED]'s table during Mr. Poulos's freshman year. Mr. Poulos recalls that [REDACTED] was a mathematics teacher and a cross country coach at [REDACTED] School. Mr. Poulos recalls that [REDACTED] lived in a dormitory of [REDACTED] School with [REDACTED]'s family. Mr. Poulos does not recall that anything inappropriate happened with [REDACTED] during Mr. Poulos's freshman year at [REDACTED] School.

[REDACTED] was Mr. Poulos's geometry teacher during Mr. Poulos's sophomore year at [REDACTED] School in approximately 1994 and approximately 1995 when Mr. Poulos was approximately 15 and approximately 16 years old. Mr. Poulos recalls that classes were held on a rotating schedule at [REDACTED] School, so that classes met at different times of day. On certain days when Mr. Poulos had geometry as the last class of the day, [REDACTED] made Mr. Poulos stay behind in [REDACTED]'s classroom. [REDACTED] and Mr.

**LETTER  
OF  
MITCHELL GARABEDIAN**

December 26, 2018

Page 2 of 2

Poulos were alone in the classroom after school on these occasions. Mr. Poulos recalls that the geometry classroom was located at the end of a hallway. During the course of Mr. Poulos's sophomore year, [REDACTED] sexually abused Mr. Poulos in [REDACTED]'s geometry classroom between approximately 10 and approximately 15 times. The sexual abuse consisted of, among other things, [REDACTED] fondling Mr. Poulos's penis and testicles, skin on skin; [REDACTED] making Mr. Poulos fondle [REDACTED] penis and testicles, skin on skin; [REDACTED] putting his mouth on [REDACTED]'s penis; and [REDACTED] making Mr. Poulos put his mouth on [REDACTED]'s penis.

The sexual abuse by [REDACTED] ended with Mr. Poulos's sophomore year at [REDACTED] School. Mr. Poulos transferred to Marquette University High School, Milwaukee, Wisconsin for his junior year of high school. Mr. Poulos returned to [REDACTED] School for his senior year, approximately 1996 to approximately 1997. Mr. Poulos had limited contact with [REDACTED] during Mr. Poulos's senior year, although Mr. Poulos recalls that he and [REDACTED] lived in the same dormitory during that year. Mr. Poulos does not recall any sexual abuse during Mr. Poulos's senior year at [REDACTED] School. Mr. Poulos does not recall having any contact with [REDACTED] after Mr. Poulos graduated from [REDACTED] School in approximately 1997 when Mr. Poulos was approximately 18 years old.

As I have previously advised you, Mr. Poulos has suffered numerous injuries as a result of the sexual abuse by [REDACTED], including, but not limited to, problems with depression; sadness; crying; anxiety; emotional pain; sleep; concentration; low self-esteem; low self-respect; low self-confidence; apathy; not caring about things in his life; self-medicating with alcohol and drugs; sabotaging himself; flashbacks and reminders of the sexual abuse; feeling broken and unfixable; sexuality; being touched; self-harm; feeling alone and isolated; feeling ostracized at [REDACTED] School; shame; embarrassment; guilt; self-blame; trust; intimacy; losing weight while at [REDACTED] School; suicidal ideation; feeling an emotional void; anger; confusion; feeling like [REDACTED] ruined a part of his life; feeling like [REDACTED] sent him down the wrong road in life; and feeling like [REDACTED] stole his childhood innocence.

Please advise me as to your client's position with regard to this matter.

Thank you.

Very truly yours,



Mitchell Garabedian